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COMMISSION ON HUMAN RIGHTS

Fifty-seventh session

SUMMARY RECORD OF THE 43rd MEETING

Held at the Palais des Nations, Geneva,
on Friday, 6 April 2001, at 3 p.m.

Chairperson: Mr. DESPOUY (Argentina)

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (continued)

The meeting was called to order at 3.15 p.m.

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 5) (continued) (E/CN.4/2001/L.3, L.4, L.5)

Draft resolution submitted by the Chairman on the question of Western Sahara (E/CN.4/2001/L.3)

1. The draft resolution was adopted.

2. Ms. TAHIR-KHELI (United States of America) said that, although her delegation had joined in the consensus on the draft resolutions, it did not consider that the text set a precedent. The issue should rightfully be discussed by the Security Council.

Draft resolution on the situation in occupied Palestine (E/CN.4/2001/L.4)

3. Mr. ATTAR (Saudi Arabia) introduced the draft resolution saying that it dealt with the humanitarian aspect of the situation and had the potential to promote stability in the region.

4. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representative of Viet Nam and the observer for Turkey had become sponsors of the draft resolution.

5. Mr. LEVY (Observer for Israel) urged the members of the Commission to consider carefully their vote on self-determination for the Palestinians, which was primarily a political issue to be determined in the context of bilateral negotiations between the parties concerned. His Government supported the principle of self-determination and the right of peoples in every region to govern themselves. More than 20 years previously, in the framework of the Camp David agreements, Israel had recognized the legitimate right and just requirements of the Palestinian people. Through the Oslo process also, Israel and the Palestinians had agreed to recognize their mutual, legitimate political rights, to be achieved within the framework of the peace negotiations.

6. Until recently, the two sides had been negotiating outstanding permanent status issues - including the future status of the disputed territories - but those negotiations had been suspended as a result of the violence which had been initiated by the Palestinians. Negotiations on an end to the violence had commenced that week, and peace talks were bound to resume once the violence ended.

7. The draft resolution before the Commission pre-empted the outcome of the permanent status negotiations and would only undermine attempts to reach a successful conclusion. Furthermore, the language used was more sweeping and definitive than in previous years. The Commission should leave the issue for the parties to resolve, thereby strengthening their incentive to negotiate.

8. Mr. RAMLAWI (Observer for Palestine) said that the draft resolution dealt with the crux of the problem in the Middle East, namely, the right to self-determination of the Palestinian people. That legitimate right was not negotiable since it had been reaffirmed in United Nations resolutions and, moreover, was a prerequisite for peace in the region. The recent negotiations between Palestine and Israel had been about the withdrawal of forces, not self-determination.

9. It was not true that talks had resumed that week. A meeting had been convened on the personal initiative of the Israeli Foreign Minister, at which he had said that he was not authorized by his Government to take any decision. Moreover, the Palestinians leaving the negotiating table had been fired upon by Israeli forces. His delegation urged the Commission to vote in favour of the draft resolution. It was only when the Palestinian people were freed of Israeli occupation that they would be able genuinely to enjoy their rights.

10. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the draft resolution had no financial implications.

11. The CHAIRPERSON said that a roll-call vote had been requested.

12. Mr. ARENALES FORNO (Guatemala), speaking in explanation of vote before the voting, said that his delegation recognized the right of the Palestinians to achieve self-determination through the establishment of their own State or of an autonomous area within Israel. Their enjoyment of that right depended, however, on agreements yet to be concluded with the Israeli Government. It was important that the rights of the Jewish people should not be undermined through increased vulnerability as a result of a massive return of Palestinians. It was only by means of negotiations that a peace agreement could be reached. In voting against the draft resolution, his delegation would not be denying the right of self-determination of the Palestinian people but reaffirming the rights of the Jewish people, which had also been recognized in United Nations resolutions since 1948.

13. Ms. TAHIR-KHELI (United States of America), said that her delegation opposed the draft resolution (as it had similar ones in the past) because the text attempted to prejudge final status issues that the parties had agreed to reserve for bilateral negotiations. Her delegation did not dispute the right of the Commission to address legitimate concerns regarding the human rights practices of any country. Adoption of the draft resolution would not, however, help to break the tragic cycle of violence under way in the region; the parties themselves must do that. Nor would it bring the just, lasting and comprehensive peace that all desired. The road to such peace must begin with the difficult decisions that only the parties could take. The international community should encourage them to do so before further lives were lost.

14. United Nations texts, such as the one before the Commission, risked diminishing the prospects for peace in the Middle East. Repeated year after year, they failed to reflect the complexities of the situation. Nor did they offer a balanced assessment. Moreover, the draft resolution under consideration went beyond the competence of the Commission in concluding that self-determination was "a basic condition" for peace (final preambular paragraph) or that

Palestinians had an "inalienable" right "to establish their sovereign and independent Palestinian State". The issues dividing the Palestinians and Israelis must be resolved between them in the region; they could not be resolved in Geneva.

15. The sine qua non for a "just, lasting and comprehensive peace" was an end to violence and a resumption and completion of negotiations. Peace would require real compromise, which would involve real sacrifices on both sides. The parties themselves would need to take concrete steps and make genuine efforts to fulfil the principle of land for peace embodied in Security Council resolutions 242 and 338. Her delegation urged the Commission to vote against a draft resolution which had the very real potential to undermine the peace process.

16. Mr. DEMBRI (Algeria) said that no vote should be used to deny the Palestinian people their right to determine their own destiny.

17. The CHAIRPERSON said that, under rule 60 of the rules of procedure, a sponsor was not entitled to speak in explanation of vote.

18. At the request of the representative of the United States of America, a vote was taken by roll-call on the draft resolution.

19. Algeria, having been drawn by lot by the Chairperson, was called upon to vote first.

In favour: Algeria, Argentina, Belgium, Brazil, Burundi, Cameroon, China, Colombia, Costa Rica, Cuba, Czech Republic, Democratic Republic of the Congo, Ecuador, France, Germany, India, Indonesia, Italy, Japan, Kenya, Latvia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mauritius, Mexico, Niger, Nigeria, Norway, Pakistan, Peru, Poland, Portugal, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, South Africa, Spain, Swaziland, Syrian Arab Republic, Thailand, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Viet Nam, Zambia.

Against: Guatemala, United States of America.

Abstaining: Canada, Romania.

20. The draft resolution was adopted by 48 votes to 2, with 2 abstentions.

21. Ms. GERVAIS-VIDRICAIRE (Canada) said that her delegation fully supported the right of the Palestinians to self-determination, in which the right to the creation of a Palestinian State was implicit. The interest of all peoples in the region, including the Palestinians, would, however, best be served through the negotiating process. Insufficient weight was given to that fact in paragraph 1.

22. Mr. NOIRFALISSE (Belgium), speaking on behalf of the European Union and its associated countries, said that the Union had been able to support the draft resolution the text of which reaffirmed the right of the Palestinian people to self-determination without in any way

prejudicing the negotiations on final status. The right of the Palestinian people to build a sovereign, democratic and viable State had been established; the timing was up to the Palestinian people. As had been stated on 25 March 1999, the creation of a sovereign, democratic, viable Palestinian State on the basis of existing agreements and full negotiations was the best guarantee of Israel's security and the latter's acceptance as an equal partner in the region. The Union continued to urge the parties to meet in a constructive spirit to seek an urgent resumption of their dialogue.

23. It reaffirmed that the basis of negotiations and of a just, lasting and comprehensive peace must be Security Council resolutions 242 (1967) and 338 (1973) and other relevant United Nations resolutions. It reiterated the inadmissibility of the acquisition of territory by war, the right of all States to live in security and to exist within internationally recognized borders and the principle of land for peace.

Draft resolution on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (E/CN.4/2001/L.5)

24. Mr. REYES RODRÍGUEZ (Cuba) introduced the draft resolution which sought to reinforce the Commission's work on the issue in question. Drawing attention to an error in the Spanish version, he said that the word empleo in the title and in paragraphs 12 and 18 should be replaced by the word utilización.

25. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Costa Rica, India and the Russian Federation and the observers for the Dominican Republic, El Salvador and Equatorial Guinea had become sponsors of the draft resolution.

26. Mr. ADIYIA (Office of the High Commissioner for Human Rights), outlining the financial implications of the draft resolution, said that the renewal of the mandate of the Special Rapporteur would each year involve three trips to Geneva for consultations and one trip to New York, at an estimated cost of US$ 53,600. Provisions had been included in the Programme Budget for the current biennium 2000-2001 to cover those activities, and an additional US$ 107,200 had been included in the proposed programme budget for the biennium 2002-2003.

27. At the request of the representative of Belgium speaking on behalf of the European Union, a vote was taken by roll-call on the draft resolution.

28. The United Kingdom of Great Britain and Northern Ireland, having been drawn by lot by the Chairperson, was called upon to vote first.

In favour: Algeria, Argentina, Brazil, Burundi, Cameroon, China, Colombia, Costa Rica, Cuba, Democratic Republic of the Congo, Ecuador, Guatemala, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mauritius, Mexico, Niger, Nigeria, Pakistan, Peru, Qatar, Russian Federation, Senegal, South Africa, Swaziland, Syrian Arab Republic, Thailand, Uruguay, Venezuela, Viet Nam, Zambia.

Against: Belgium, Canada, Czech Republic, Germany, Japan, Latvia, Norway, Poland, Romania, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: France, Italy, Portugal, Republic of Korea, Saudi Arabia, Spain.

29. The draft resolution was adopted by 35 votes to 11, with 6 abstentions.

30. Mr. NOIRFALISSE (Belgium), speaking on behalf of the European Union and its associated countries, said that while the Union shared many of the concerns about the dangers of mercenary activity expressed in the report of the Special Rapporteur and strongly condemned the involvement of mercenaries in terrorist activities, it had been unable to support the draft resolution. It believed that the Commission was not the right forum to deal with issues of mercenary activity.

31. While recognizing the dangers caused by mercenary activity, it doubted that the use of mercenaries should be dealt with primarily as a human rights problem and a threat to the right of peoples to self-determination. It believed that the mandate of the Special Rapporteur on the use of mercenaries should be terminated and that the matter of mercenary activity should be considered directly by the General Assembly. It would continue to participate actively in the appropriate forums in the dialogue on ways to curb the threats posed by such activity.

32. Mr. FERNÁNDEZ-PALACIOS (Cuba), speaking on a point of order, said that it appeared to his delegation that the statements just made by the representative of Belgium were general ones and not explanations of vote. Since only members of the Commission were entitled to vote and thus to explain their votes, he failed to see how an explanation of vote could be given on behalf of a member of the European Union that was not a member of the Commission, still less on behalf of an associated country that was not a member of the Commission.

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:

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(f) STATES OF EMERGENCY

(g) CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

(agenda item 11) (continued) (E/CN.4/2001/4, 9 and Corr.1 and Add.1 and 2, 10, 11, 14 and Add.1, 58, 59 and Corr.1 and Add.1, 60, 61, 63, 64 and Add.1, 65 and Add.1-3, 66 and Add.1, 67, 68, 69 and Add.1, 116, 137 and Corr.1, 138 and 149; E/CN.4/2001/NGO/2, 16, 23, 31, 47, 49, 50, 52, 64-71, 76, 90-94, 98, 99, 101, 110, 115, 116, 132-135, 137 and Corr.1, 138-145, 150, 159, 167, 168, 181 and 182; A/55/178 and 280 and Add.1-2; A/RES.55/89)

33. Mr. SAMOURA (African Commission of Health and Human Rights Promoters) said that the non-governmental organizations (NGOs) of the South were appalled at the human rights violations which NGOs of the North had reported to the Commission.

34. His organization worked to assist victims of torture and had also begun to take preventive action. It had developed a training programme in humanitarian law and human rights designed for army and security forces personnel since they could do the greatest harm if they did not respect human rights. The programme would provide training in basic human rights instruments, including the Universal Declaration of Human Rights and the African Charter of Human and Peoples' Rights, for personnel at all levels and would begin as a pilot project in Mali; it would subsequently be extended to other African countries including Guinea, Sierra Leone and Liberia.

35. His organization had contacted several Governments in the North in an effort to interest them in a partnership but thus far had not received any practical support. He would be happy to provide an outline of the project to members of the Commission and to NGOs of the North so that they could translate their concerns into practical support.

36. Finally, he stressed the need to reform the human rights protection mechanisms, particularly the special rapporteurs. It was essential that there should be no doubt as to the independence of the special rapporteurs. The selective nature of those mechanisms, when seen from the field, appeared to be an attempt to destabilize certain countries of the South.

37. Mr. ESHAGHI (New Human Rights) informed the Commission that Ayatollah Montazeri, once regarded as the designated successor to Ayatollah Khomeini, had just published his memoirs in which he gave details about a wave of summary executions of some 30,000 political prisoners, which had been carried out between August 1988 and March 1989. The victims had been members or supporters of the People's Mojahedin.

38. The book contained extracts from correspondence between Khomeini and the judicial authorities which showed that Khomeini had personally ordered the massacre and that all the leaders of the mullah regime, including those who currently held key positions, had been directly involved. It was a perfect example of a crime against humanity. In that connection he cited article 6 (c) of the charter of the International Military Tribunal of Nürnberg, which defined crimes against humanity as "murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population ... on political, racial or religious grounds" whether or not "in violation of the domestic law of the country where perpetrated".

39. He therefore called on the Commission to invite the Special Representative on the situation of human rights in the Islamic Republic of Iran to examine the matter and report back to the Commission at its next session. Since the persons responsible for that crime were still in power, the international community should establish an international tribunal to prosecute all those responsible for the massacre.

40. Mr. BENNET (Afro-Asian People's Solidarity) said that, without freedom of expression and its associated right of free choice, civil and political rights would have no meaning. Enlightened nations took freedom of expression for granted because they recognized it was a requirement for the functioning of a healthy polity. Unfortunately, freedom of expression was under threat from a wide array of forces. Terrorist groups denied that freedom inter alia by attacking the media. When those using terror as an instrument of policy cited God's name to justify their actions, the situation became even worse.

41. While abuse of free expression did take place, the maturity of a society could be measured by its citizens' ability to see and hear all and then sift through to separate the good from the bad.

42. Ms. PARDO (Franciscans International) said that impunity undermined a society and encouraged violators of human rights to repeat their crimes. Paramilitary groups contributed to impunity because they shielded the true authors of the crimes and concealed the responsibility of the State's security forces. The Ombudsman of Colombia had stated that paramilitary groups did the dirty work that the police and armed forces could not do because they were supposed to uphold the law. A prime ingredient of impunity was the fact that those who committed human rights violations were tried by military courts, often with the collaboration of the civilian authorities which transferred such cases to those courts.

43. Citing an incident in which the air force had bombed a village killing 17 people, she said that even though, according to international norms, investigations into human rights violations were supposed to be conducted by the regular authorities, the case was currently before a military court. Most serious human rights violations in Colombia were tried in military courts which systematically refused to punish military personnel for such violations.

44. Accordingly, she called on the Commission to appoint a special rapporteur for Colombia to investigate and make recommendations on the situation of impunity in Colombia and its adverse consequences for human rights in that country. She also asked that the authors of serious human rights violations be tried by an international body.

45. Mr. WATCHMAN (International Indian Treaty Council) said that, like all indigenous communities in the United States of America, his own people had been subjected to confiscation of their livestock, to rules preventing them from building or maintaining homes, to continuous police harassment, to harsh restrictions on religion and to the threat of forcible eviction from their traditional lands. The United States Government was deliberately destroying the families, livelihood, sacred places and ways of life of indigenous communities, which were forcibly relocated because companies wanted their land. Repeated representations had failed to change the Government's course of action.

46. His organization would work with the Sub-Commission on the Promotion and Protection of Human Rights and its Working Group on Indigenous Populations to develop a resolution, which should provide for full-time monitoring of human rights violations in the Dine Country, make provision for giving the United States of America advice and guidance regarding its responsibilities under existing treaties and international instruments; and provide an international tribunal before which the United States of America and its officials could be held accountable for their actions.

47. Lastly, he expressed the regret of indigenous peoples throughout the world that executive clemency had been denied to the indigenous and environmental rights defender, Mr. Leonard Peltier; his organization renewed its call for Mr. Peltier's immediate release. It urged the Commission to request the Special Rapporteur on the independence of judges and lawyers and the Working Group on Arbitrary Detention to visit and investigate the situation of Mr. Peltier, and report to the Commission at its fifty-eighth session.

48. Mr. YASIN (World Muslim Congress) said that torture and other cruel, inhuman or degrading treatment or punishment were favoured methods used by States that had forcibly occupied territories and were holding the people of such territories against their will. Torture by Indian State agencies in occupied Jammu and Kashmir was widespread and practised as part of a deliberate campaign of repression to force the Kashmiri people into submission.

49. The Department of State of the United States, in its country report on Indian human rights practices for the year 2000, stated that the Indian army continued to conduct cordon-and-search operations in Muslim neighbourhoods and villages in Jammu and Kashmir, detaining young men, assaulting family members and summarily executing suspected militants. The report noted that methods of torture included beating, rape, crushing leg muscles with wooden rollers, burning and electric shocks. Amnesty International had reported that torture was widely used and had led to dozens of deaths in custody. The Commission must act to put an end to such inhuman practices and hold those committing them, and the States that sanctioned them, accountable for their actions.

50. Ms. MOFDH SIDI (International Youth and Student Movement for the United Nations) said that, following its invasion of Western Sahara in 1975, Morocco had built a system of electronic walls, the longest of which was 2,500 kilometres, equipped with radar, barbed wire and anti-personnel and anti-tank mines. The landmines represented a great danger to the local population, especially as there were no medical facilities in the area. The Moroccan Government was defending its own economic interests in Western Sahara, without any concern for the fate of the indigenous population or its animals.

51. The Moroccan authorities had repeatedly refused to allow access by international organizations to the occupied areas, so it had not been possible to alert the local population to the danger of landmines, or to carry out any demining projects. Her organization called on the Commission to conduct a study of the effects of the electronic walls on the Saharan population, the environment and animals. It also called on the Moroccan authorities to take account of the problem and to permit the Saharans to move about freely without danger of mutilation or death.

52. Mr. LABRADA ROSABAL (Centro de Estudios Sobre la Juventud) said that, in its campaigns of slanders against the Cuban revolution, the United States of America described Cuba as the only non-democratic country in the Western hemisphere. It tried to create the image of an opposition which was persecuted and repressed by the Cuban revolution, thereby seeking to confuse people in Latin America who remembered their own experience of military regimes. Washington concealed the fact that, since 1959, it had itself been creating, organizing, training and financing a so-called Cuban opposition both inside and outside Cuba.

53. Instead of accusing Cuba, the United States should address the fact that most of its population did not exercise electoral rights. More than 7 million adult foreign residents legally in the country had no political rights because they were not United States citizens; some 70 million, two thirds of whom belonged to low-income families and represented 40 per cent of the electorate, were not on the electoral register; those who were registered turned out at the polls in smaller and smaller numbers. Although very few voted, very large sums were spent on election campaigns.

54. Cuban youth, on the other hand, enjoyed full civil and political rights, which included the universal, independent and free electoral registration of all citizens over the age of 16. Although Cuba's democratic system was not perfect, it had not been imported.

55. Ms. MANDELA (Women's International League for Peace and Freedom) said that killings committed in the name of so-called "honour" constituted one of the worst forms of extrajudicial execution and could not be justified by citing cultural idiosyncrasies or using religious interpretations. She called upon the Commission to request the Sub-Commission to prepare a working paper on the incidence of "honour" killing of women, analysing the obligations of States and describing the impact of such crimes on the human rights of women.

56. When a woman was pressured to kill herself in order to cleanse the family's "honour", she was faced with either being killed by a close relative, often a minor, or taking her own life. She sometimes "chose" suicide out of concern for the selected perpetrator, his potential prison sentence and the family's "honour". Naming such deaths as "suicides" concealed the real power relation and was further evidence of men's control over women. She urged the Commission to request the Special Rapporteur on extrajudicial, summary or arbitrary executions to investigate "forced suicide" and address it in her next report.

57. Women sometimes fled their countries under threat of being killed or forced to kill themselves, and in such cases they should qualify for refugee status. The Commission should urge the Member States to accept that form of persecution as a valid basis for the granting of refugee status to women who made such appeals.

58. The use of the term "domestic" violence to describe marital rape minimized the seriousness of the crime and advanced a purported justification therefor. Her organization disagreed with those who refused to classify such violence as torture and as violation of a woman's human rights. It met the definition of torture as defined in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

59. States parties had an obligation to prevent cases of torture and to prosecute the perpetrators when cases did occur. When they failed to arrest and prosecute perpetrators or failed to sentence those convicted, States failed in their obligation. They could not legitimately claim that they had no influence in the "domestic" sphere. In choosing not to "interfere" in such cases States effectively abrogated their responsibility to protect women and to prevent torture. Her organization asked the Commission to direct the Special Rapporteur on the question of torture to study and report on States' policies on "domestic" violence.

60. Ms. CAO Shengjie (All-China Women's Federation) said that Western charges that there was religious intolerance in China were unfair. She was an ordained pastor and Vice-President of the National Young Women's Christian Association of China, and could state that all religions in China had made great strides in the past 20 years. The Chinese Government might not have implemented its policy of religious freedom perfectly, but the social atmosphere in China was favourable to the growth of religions. Nevertheless, the social system was different from that in the West, and religious believers were a minority of the Chinese population.

61. The great majority of cases where the West attacked China's "religious intolerance" were really irregularities, such as when churches and temples were built on land where legal permission had not been granted or when foreigners had arrived in China to teach religious programmes without the permission of the Chinese authorities or without invitations by the relevant religious organizations. Occasional examples of local officials not dealing with religious issues properly should not be distorted or used to negate the overall progress of religious freedom.

62. Falun Gong was not a religion, but an evil cult which distorted religious notions and terms in order to fabricate its fallacies. The main reason for banning it was its harmful social effect, and the decision to outlaw it had been taken on the basis of protecting people from its harm and guaranteeing religious freedom. The ban was not a violation of human rights but an attempt to maximize the protection of human rights.

63. Mr. SHENG Hui (United Nations Association of China) said that the harmonious coexistence of religions had entered a new phase in contemporary China, but there were evil cults which stole religious terms and notions in order to fight against religion in the name of religion, to cheat followers, to take over their property and to hurt their lives. Falun Gong was such a cult, like the "Branch Davidians" in the United States of America, "Aum Shinrikyo" in Japan and the "Movement for the Restoration of the Ten Commandments of God" in Uganda, and had caused the deaths of more than 1,000 people. It was a dark force which damaged religious freedom and human rights.

64. As Vice-Chairman of the China Buddhist Association, he joined the more than one hundred million Chinese religious believers who mourned the tragedy caused by Falun Gong.

65. Mr. SUN Zhonghua (China Disabled Persons' Federation) said that the aim of his organization was to promote and protect the rights of persons with disabilities so as to enable them to participate in society and enjoy equal status and opportunities. To that end, it had participated in the formulation and in the monitoring of legislation relating to persons with

disabilities and had mobilized the media to raise public awareness regarding the rights and abilities of the disabled and to eliminate discrimination against them. While much progress had been made, much remained to be done. The disabilities rights movement was hampered by the current level of social and economic development; in inland areas, many people with disabilities still suffered from poverty.

66. Mr. YOU Xueyun (China Society for Human Rights Studies) said that China, which had signed the International Covenant on Civil and Political Rights and ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, had revised its Criminal Law and Criminal Procedure Law and formulated the People's Police Law, Public Procurators Law, Judges Law, Prison Law, Administrative Procedure Law and State Compensation Law, which together were designed to prevent arbitrary detention or arrest and torture, although there was much room for improvement in their implementation.

67. Public security organs had the authority to detain a person but he could appeal against the detention to the procuratorial organs. If the latter did not approve the arrest, the public security organ had to release the detainee. Within 24 hours of the arrest, a person's family or unit had to be informed of the reasons and the place of custody. The use of torture, threats, enticement or deceit was prohibited.

68. Prison Law stated that prisoners enjoyed the right of immunity from insult to their dignity, corporal punishment and infringement of their personal security. They also enjoyed the rights of defence, appeal, complaint and accusation, the right to communicate with and meet family members and the right to education, rest, remuneration for work and medical treatment. In prison, punishment was combined with reform and education through labour. Those who had completed their sentence enjoyed equal rights with other citizens.

69. Under the Administrative Procedure Law, legal proceedings could be started against administrative or judicial organs and their staff if legal rights or interests were infringed. Those who had suffered losses as a result of such infringement had the right to compensation, while, those infringing such rights were punished. In 2000, the people's courts had heard 2,447 State compensation cases and over 86,000 administrative cases, of which citizens had won more than 13,000.

70. It was regrettable that the United States, which made unwarranted attacks on other countries' human rights violations, kept silent about its own abuses, including torture by the police and ill-treatment of prisoners. Police officers who violated the law were seldom punished and victims seeking redress faced numerous obstacles.

71. Sir Nigel RODLEY (Special Rapporteur on the question of torture) said that he would respond neither to positive comments on his report (E/CN.4/2001/66 and Add.1-2) nor to most of the specific criticisms, many of which were perfectly legitimate observations. There was one criticism, however, that merited a response. The observer for Egypt had accused him of bias in [illegible] had cited comments made by the Committee against Torture in 1996 but had ignored its most recent findings, in 1999. The fact was that, in the 1996 report, the Committee had, after an extensive study in accordance with its special procedure under article 20 of the Convention, and despite a consistent refusal of access to the country, described torture in Egypt as systematic.

The more recent statement, in the Committee's conclusions and recommendations following Egypt's third periodic report, expressed concern about the large number of allegations of torture or even death relating to detainees. That statement in no way altered its earlier finding. In short reviews of periodic reports, the Committee routinely refrained from making judgements on systematicity. The information he had received did not suggest, however, that the use of the adjective in question was currently less appropriate.

72. Several delegations had criticized the fact that he had not sought at an earlier stage to visit the occupied Arab territories in conformity with resolution S-5/1. Far from having taken the position that there was no torture in Israel, he had dealt with and acted on cases in that country on a sustained basis in all his annual reports, including the latest one. In relation to the current renewed intifada, however, he had not received written allegations that would be sufficient for a mission consistent with the standard methodology he had consistently applied to his mandate. Such written allegations had since reached him, and he would act on them.

73. Throughout his mandate, he had scrupulously sought to apply consistent criteria in all his activities, in the belief that in so doing he strengthened the Commission's human rights protection process. He was confident that the Commission would support the application of objective standards and methods.

74. Mr. FERNÁNDEZ-PALACIOS (Cuba), said that he had expected to hear from the Special Rapporteur an acknowledgement of the mistake he had made. Instead, the Commission had been treated to specious justifications. Its questions had not been answered. There was no explanation, for instance of the six-month delay in requesting permission to visit the territories, despite the express mandate given by the Commission, to which the Special Rapporteur reported. There had been massive human rights violations in the occupied territories, including torture and summary executions, yet the Special Rapporteur had taken no action.

Statements in exercise of the right of reply

75. Mr. CHATTY (Observer for Tunisia) said that certain NGOs had passed on a number of unfounded allegations peddled by people who had become specialists in disinformation. The situation should therefore be clarified. Prison conditions in his country were governed by the provisions of Decree No. 88/1276 of 4 November 1988. Inmates were divided up according to sex, age, the nature of the offence and whether the person had been convicted or was in pre-trial detention, or was a first offender or a recidivist. Prison warders committed themselves, when entering upon their duties, to respect the law and guarantee the dignity of the individual. Any officials who, in the exercise of their function, infringed the rights of individuals were subject to both disciplinary action and prosecution. The allegations of impunity were therefore unfounded.

76. Institutional mechanisms had also been developed to prevent such situations. Since 1992, the Chairman of the High Committee for Human Rights and Fundamental Freedoms had been empowered to pay unannounced visits to prisons, detention centres and observation centres for juvenile offenders, in order to ensure that the law and regulations relating to detention were being respected. He then reported on the subject to the President of the Republic.

77. Moreover, in the interests of the constant expansion of human rights, it had been decided in 2000 to transfer responsibility for penal establishments from the Ministry of the Interior to the Ministry of Justice. Machinery had also been put in place to compensate any person held in pre-trial detention whose guilt had not been subsequently established. His Government, which attached great importance to the promotion and protection of human rights in their broadest sense, was determined to maintain its commitment to upholding those rights. It was always open to dialogue, although it noted that some NGOs persisted in an aggressive and counter-productive approach.

78. Ms. DIALLO (Senegal) said that the representative of the International Federation of Human Rights Leagues had spoken in unacceptable terms about the case of a Hissené Habré. Mr. Habré, who was in Senegal as a refugee, had been arrested and charged on 3 February 2000. He had been released, however, and the prosecution had not been pursued because it was found that the Senegalese courts were not competent to deal with the matter. The acts with which Mr. Habré was charged had been committed abroad and article 669 of the Senegalese Criminal Code did not apply when an act was committed by a foreigner abroad, except where certain conditions were fulfilled. In the case in question, none of those conditions was fulfilled.

79. The NGO representative had also cited the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment which her Government had ratified in 1996. The case in question did not, however, fall under article 5, paragraph 1, of that Convention. The Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, also mentioned by the NGO representative, was inapplicable to Senegal, which had not ratified it. The Indictment Division had withdrawn the prosecution on the basis of articles 155 and 199 of the Criminal Procedure Code according to which the national courts were not competent. That judgement had been confirmed by the Court of Cassation.

80. The strictures by the NGO in question suffered from the very lack of justice that it laid at the door of her country. Senegal was a State governed by the rule of law, committed to human rights, in which the separation of powers and the independence of the judiciary were realities. The ruling by the Court of Cassation had been attacked only by certain NGOs which had hoped to make the Habré case the African equivalent of the Pinochet case.

81. Mr. MOHAMMED (Observer for Iraq) said that allegations made by an organization which enjoyed foreign support that his Government maltreated Shiites and Kurds were groundless. The freedom of all groups in Iraq to practice their religions was assured.

82. Ms. KASYANJA (Observer for the United Republic of Tanzania) said, with regard to the criticism by an NGO of the Tanzanian police for having resorted to force in Zanzibar Island during an illegal demonstration by an opposition party on 27 January 2001, that her Government fully respected human rights and regretted the 23 deaths and the injuries that had occurred on that day. Many of those killed, however, had been armed and had not been demonstrating peacefully. They had wanted to capture police stations and steal weapons. Some had brutally decapitated a policeman with a machete, while others had been responsible for violent acts, including bombings and killings, in previous weeks. Moreover, they had refused to heed the

police order not to stage the demonstration. It was only when the police had been exhausted with the usual practice of using tear gas and rubber bullets that they had resorted to live ammunition to prevent a greater loss of life. If the arms from the police stations had fallen into the demonstrators' hands, more deaths would have occurred.

83. Mr. BENJELLOUN-TOUIMI (Observer for Morocco) said that the International Youth and Student Movement for the United Nations had come up with a fantastic story about the situation in the Sahara and its evolution. He recommended a careful reading of the Landmine Monitor report for 2000 and the Secretary-General's report (S/2001/148) which demonstrated the progress made in the mine clearance programme and the exchange of information with the United Nations Mission for the Referendum in Western Sahara (MINURSO). They showed that Morocco had made every effort to achieve the necessary security for the local population. Landmines had been cleared systematically, particularly those scattered at random by the enemy. Those planted by the Moroccan army had been recovered or destroyed. The population had been made fully aware of the danger.

84. His Government had signed Revised Protocol II of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, which it would soon ratify. It also fully supported the aims and purposes of the Ottawa Convention.

85. Mr. SAHRAOUI (Algeria) expressed disbelief that the Special Rapporteur on the question of torture had failed to visit the occupied Arab territories on the grounds that he had received no allegations of torture. He needed to look no further than paragraphs 645-665 of his own report (E/CN.4/2001/66) to discover otherwise.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 9) (continued)

Situation of human rights in Myanmar

86. Mr. PINHEIRO (Special Rapporteur on the situation of human rights in Myanmar) said that he would report in an independent, objective, fair and transparent way on the situation of human rights in Myanmar, offering his voice to the people and civil society of Myanmar to present their allegations to the Government and seek redress for violations.

87. Since his appointment on 28 December 2000, he had paid three visits to Geneva, one to New York and one each to Japan, Malaysia and Thailand. He had spent three days in Myanmar, where his aim had been to establish channels of communication and build mutual trust with the Government. Those terms of reference, which had intentionally been limited, had been fully accomplished. He had met Secretary (1) of the State Peace and Development Council, the Ministers of Foreign Affairs, Home Affairs and Labour and other senior officials. He had also met representatives of the political opposition, both Daw Aung San Suu Kyi and the Secretary-General of the National League for Democracy and other senior officials.

88. His meetings had taken place against the background of the recent news that a dialogue between the Government and Daw Aung San Suu Kyi had started. No official statement had yet been made by either party, but he had received numerous indications from human rights observers, ethnic groups and civil society organizations of considerable hopes that the dialogue would open the door to a free, democratic and peaceful Myanmar.

89. In the country, he had met representatives of ethnic and religious communities, the diplomatic and business community and representatives of the United Nations and other international organizations. In Japan, Malaysia and Thailand, he had held fruitful discussions to gain a better understanding of the views of the authorities in those countries concerning the situation in Myanmar.

90. He had not yet had the opportunity to make a first-hand and objective analysis of the human rights situation in Myanmar but he was confident that a suitable opportunity would arise in the near future. He noted that, according to reliable sources, there had been some improvement in some areas, and that there were several signs that the human rights situation was evolving. The Government had recently shown its willingness to engage with the United Nations and the international community by entering into a dialogue with the Commission and by its continued cooperation with the Special Representative of the Secretary-General.

91. He noted with satisfaction that the Government had established a 20-member Human Rights Committee in April 2000. The Committee had eight working groups, dealing with issues ranging from international human rights law to health, education and labour. He had met the Committee and held a brief exchange of views on the human rights situation. He was encouraged by the resumption of a dialogue between the International Labour Organization (ILO) and the Government of Myanmar on the subject of forced labour.

92. The best hope for administrative reform in Myanmar was a mixture of long-term strategies and such immediate measures as the granting of freedom of expression and assembly, the early release of political prisoners, the liberalization of the media, the strengthening of civil society and the right to participate in public life. All those initiatives would contribute to the process of confidence-building, as he had conveyed to the Government.

93. Some pressing social needs could not continue to be neglected. The Government should create a situation in which international assistance could be given that would effectively reach the most vulnerable sections of the population, such as children, persons affected by HIV/AIDS and the poor. The international community should react positively to any indicators of real progress towards democratization. The isolation of Myanmar should not continue to be deepened. Ways must be found to increase the country's integration into the international community in the interests of human rights.

The meeting rose at 6.20 p.m.

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Fifty-seventh session

SUMMARY RECORD OF THE 44th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 9 April 2001, at 10 p.m.

Chairperson: Mr. DESPOUY (Argentina)

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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE

(a) VIOLENCE AGAINST WOMEN

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GE. *200-02544*

ENG

The meeting was called to order at 10.20 a.m.

STATEMENT BY MR. JOSEPH PHILIPPE ANTONIO, MINISTER OF FOREIGN AFFAIRS OF HAITI

1. Mr. ANTONIO (Haiti) said that the process of democratization in Haiti was irreversible. He recalled that Mr. Jean Bertrand Aristide had been elected President for the second time on 7 February 2001 and that a new Government had been formed containing members of certain opposition parties and some independent persons. The Government was determined to overcome the problems that still persisted in the area of human rights. It would nonetheless be difficult to achieve results in that area without significant improvements in the country's economic situation and without the introduction of a genuine climate of peace and dialogue.

2. Since the legislative elections of 21 May 2000, a report by the Organization of American States (OAS) criticizing the method used to count the votes had cast doubt on the seats of about ten senators. That controversy had given rise to a crisis which was still severely paralysing the running of the country's institutions. As early as 27 December 2000, in a letter addressed to President Bill Clinton, President Aristide had listed eight measures that might help to solve the crisis which he undertook to apply immediately upon taking office. The measures, which included dealing with the problem created by the elections of 21 May 2000, forming a broadly representative Government, creating a new, provisional electoral council and strengthening democratic institutions, had been welcomed by the international community. Several proposals had already been implemented and work on others was in progress. The Head of State had held many consultations with all sectors of Haitian society with a view to forming an open Government. Leaders and members of opposition political parties and prominent personalities from civil society had responded positively to the call. Others, however, had formed a group called "Democratic Convergence" which advocated cancellation of all the elections that had taken place in 2000. Six senators concerned by the controversies that had emerged from the 21 May 2000 elections had decided to abstain from all participation in parliamentary work so as to make it easier to solve the crisis. Furthermore, a new provisional electoral council including members of an opposition party had been established. On 14 March 2001, the Government, taking up a suggestion made by a civil society group, had submitted to the Permanent Council of the OAS proposal calling for the organization of advance elections in November 2002 which would replace two thirds of the Senate and the entire Chamber of Deputies. That proposal had been suggested by a large consensus at the local and international level but had been rejected by Convergence. Such a refusal to engage in dialogue could only make one question the group's real desire to find a solution to the political crisis.

3. The country's extreme poverty and the absence of a human rights culture created fertile ground for all kinds of violence, including political violence. Aware of the threat, the Head of State continued to reiterate his call for dialogue and cooperation. Human rights remained an important concern of the Government and progress had been made with regard to the establishment of standards. Fundamental rights were guaranteed by articles 19-51 of the Haitian Constitution. The Citizen's Protection Office had been created with the aim of protecting individuals against all forms of abuse from public officials. At the international level, Haiti had ratified many instruments, among them the International Pact on Civil and Political Rights, the International Convention on all Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. It intended, in the near future, to take the necessary measures to ratify other instruments, including in particular the Convention against Torture and the International Covenant on Economic, Social and Cultural Rights. Furthermore, Haiti had always collaborated with the main United Nations mechanisms dealing with human rights questions. Yet, despite all those steps forward, there was still a long road ahead in the area of human rights in Haiti. The administration of justice, the prison system and the issue of impunity were some of the areas requiring urgent Government action and the support of the international community.

4. The universal character of the rights of the individual was now recognized. There remained many grey areas, however. Rising nationalism was a particularly troubling problem that was causing much tension in the world and required urgent and practical reactions from the international community. The

World Conference Against Racism in Durban would have to try to find an adequate response. The Government of Haiti hoped it would provide an occasion to examine the deep wounds of history and to take full stock of contemporary problems. The conclusions from all of the World Conference's preparatory regional meetings would have to be considered in order to produce in the end a document containing practical measures to fight racism.

5. Some aspects of the globalization phenomenon were also disturbing. The international community should find ways of favouring the development of market forces without neglecting full respect for human rights. In this regard, the "World Pact" initiative of the Secretary-General deserved meticulous analysis. Another question should command the Commission's attention, namely the relationship between the debt service of the least developed countries (LDCs) and respect for human rights. It was clear that the measures designed to alleviate the debt of the LDCs remained insufficient. The Government of Haiti therefore supported every initiative aimed at cancelling those countries' debts altogether. The decrease in Official Development Assistance (ODA) could also have repercussions on human rights in the LDCs. According to a report of the United Nations Conference on Trade and Development (UNCTAD), those countries would continue over the next ten years to be dependent on ODA, although the latter was continuing to dwindle. The reduction in aid was being felt all the more as very few of the countries in question managed to attract capital. Hence the Government of Haiti was calling for more solidarity in that area. It also hoped that the High Commissioner would play an active role during the third conference on LDCs to be held in May 2001 in Brussels, and would make sure that the issue of human rights was taken into account in the action programme against poverty that was to be adopted.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD (item 9 of the agenda) (*continued*) (E/CN.4/2001/31*, 32, 33, 34, 35, 36, 37 and Corr.1, 38, 39, 40 and Add.1, 41, 42, 43 and Add.1, 44, 45 and Add.1 and Corr.1, 47 and Add.1 and Corr.1, 48, 107, 119, 122, 124, 127, 128, 129, 131 and 132; E/CN.4/2001/134-E/CN.4/Sub.2/2001/3 and Add.1-3; E/CN.4/2001/135, 140, 144, 149 and 150; E/CN.4/2001/NGO/8, 13, 29, 51, 75, 81, 85, 86, 87, 88, 89, 114, 121, 122, 123, 124, 129, 136, 153, 156, 157, 158, 176, 180, 183, 184, 185 and 186; E/CN.4/Sub.2/2000/8; A/55/269; A/C.3/55/5)

6. Mr. THAN (Observer for Myanmar), commenting on the observations made at a previous meeting by Mr. Pinheiro, Special Rapporteur on Human Rights in Myanmar, in the presentation of his report (E/CN.4/2001/46), said that the Special Rapporteurs in each country were supposed to act as independent and neutral observers and to write balanced reports on the human rights situations in the countries concerned. They should therefore conform to the universally accepted principles of objectivity, non-selectivity and impartiality as set out in the Vienna Declaration and other instruments concerning the promotion and protection of human rights. It was up to the Commission on Human Rights to determine whether the Special Rapporteurs were accomplishing their task according to those principles.

7. It was precisely because the Government of Myanmar had felt that the former Special Rapporteur on Human Rights in Myanmar had substantially deviated from those principles that it had not invited him to come to the country and had categorically rejected the resolutions adopted on the basis of the reports written by Mr. Lallah. Fortunately, the new Special Rapporteur on human rights in Myanmar, Mr. Pinheiro, had adopted a more balanced approach. The observations he had made in the oral presentation of his report on the positive evolution of the situation showed without a shadow of a doubt the Government's good will, its good faith and sincerity and proved that it had fully cooperated with the Special Rapporteur during his visit to Myanmar. The comments contributed a great deal to correct and improve the image of Myanmar that had been distorted by elements hostile to the Government of Myanmar and by the Western media. Other encouraging events that had taken place recently were the visit of Mr. Ismail, special representative of the Secretary-General; the release of 101 people since the beginning of the year, contradicting statements to the effect that the Government had increased repression; the appointment of a steering committee and a committee on human rights responsible for establishing a national institution for the promotion and protection of human rights; the consultations

between the Deputy Minister of Foreign Affairs in Myanmar and the Director-General of the International Labour Office (ILO), although Myanmar had ceased all collaboration with the International Labour Organization (ILO) regarding Convention No. 29 because of the unfair treatment it had received; and other activities aimed at promoting human rights and making the population more aware of the issue. Lastly, contrary to allegations mainly spread by the media, schools and universities were open and students were able to pursue their studies in calm.

8. The official position of the Government of Myanmar had not changed: it rejected allegations that human rights violations were being committed in Myanmar and therefore did not see the need to adopt a resolution on the human rights situation in that country. The authorities in Myanmar were nevertheless prepared to work with the United Nations as far as possible. Cooperation with the Commission on Human Rights had resumed with the productive visit of the Special Rapporteur and it was to be hoped that it could continue in the same way.

9. The CHAIRPERSON declared the general debate on item 9 of the agenda closed.

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF:

(e) RELIGIOUS INTOLERANCE (item 11 of the agenda) (*continued*) (E/CN.4/2001/63; A/55/280 and Add.1 and 2)

10. Mr. AMOR (Special Rapporteur on the Freedom of Religion or Belief), presenting his report (E/CN.4/2001/63), said that since the fifty-sixth session of the Commission he had addressed a total of 106 communications to 56 different States. Analysis of those communications made it possible to evaluate the situation with regard to religion and belief in the world. In varying degrees, almost all States had cases or situations of discrimination or intolerance in the area of religion or belief. Yet minorities were particularly vulnerable, not only because of discriminating State policies, laws and practices, but also because of the intolerance they suffered from non-State entities, first among which were the religious communities, political or religious extremists and the media, some of which were responsible for the emergence of Islamophobia. It was important to be aware of the fact that the minorities themselves could sometimes be a source of intolerance towards their own members or other religious communities or believers. Nonetheless, the general trend was one of rising intolerance towards and discrimination against minorities, and unwillingness to consider their particularities and needs.

11. Analysis of the communications also revealed the still unsatisfying and sometimes tragic situation of women. Like the minorities, they were victims of extremism, a scourge that was continuing to grow, usually among non-State entities. In that context, while the protection given to religions by lawmakers who penalized defamation or blasphemy responded to a legitimate concern, extremists exploited those two notions more and more often to censure any critical debate within or about religions.

12. He wished to draw the attention of the members of the Commission to two communications in particular. The first concerned allegations that capital sentences had been demanded for three Baha'is in the Islamic Republic of Iran. In the end it seemed that the persons in question had not been condemned to death but to prison sentences varying from four to seven years. One could only hope that they would be speedily released. The second was an urgent call addressed to the head of the Taliban in Afghanistan asking him not to carry out the decree ordering the destruction of all the statues which, according to him, represented an insult to Islam. In spite of that appeal, the statues of Bamyan had been destroyed and intolerance had prevailed. The international community should react firmly and adopt measures for the efficient protection of religious sites and monuments, especially those belonging to humanity's common cultural heritage.

13. He recalled that in situ visits were one of the best instruments for facilitating dialogue and comprehension and thereby enhancing tolerance and non-discrimination in the matters of religion or

belief. The reports on his missions to Turkey (A/55/280/Add.1) and to Bangladesh (A/55/280/Add.2) had been submitted to the fifty-fifth session of the General Assembly, and a visit to Argentina was scheduled for the end of April 2001. On the other hand, the requests for visits he had been sending to Indonesia since 1996, to Israel since 1997, to the Russian Federation since 1998, to the Democratic People's Republic of Korea since 1999 and to Nigeria since 2000 had brought no response. Pursuant to resolution S-5/1 concerning "Israel's serious and massive violations of the fundamental rights of the Palestinian people", adopted by the Commission at its special session in 2000, he had taken the necessary steps to visit the occupied Palestinian territories so as to give an account of his observations at the Commission's present series of meetings. Yet Israel had refused to cooperate in spite of the troubling information that had been received about the situation in the occupied Palestinian territories. He therefore called on Israel to comply with the resolution in question and to collaborate with him under the framework of the terms of his mandate.

14. Concerned as he was to strengthen his role of finding solutions to the real causes of intolerance and discrimination, and not just their effects, he had undertaken a series of studies, mentioned in paragraph 191 of his report, the last of which, on "freedom of religion or belief and the status of women with respect to religion and traditions", had recently been submitted to the Commission.

15. In addition, the Preparatory Committee of the International Consultative Conference on School Education in Relation with Freedom of Religion and Belief, Tolerance and Non-Discrimination, to be held in November 2001 in Madrid, had addressed its invitations, with detailed background material, to all United Nations Member States and observers, to the various competent bodies and agencies of the United Nations system to regional organizations of a general nature, to international organizations dealing with cultural and educational matters, to international and regional human rights institutions, as well as to experts, to communities of religion or belief and to non-governmental organizations. The Preparatory Committee was to meet in June 2001 to examine comments already received on the draft of the Conference's final document. Many States had already replied, and he asked others to confirm their participation and to state their opinions regarding the draft final document.

16. In conclusion, he noted that the change of title from "Special Rapporteur on Religious Intolerance" to "Special Rapporteur on Freedom of Religion or Belief" in response to resolution 2000/33 of the Commission, indicated a recognition of the Rapporteur's role not only in the daily "management" of intolerance and discrimination based on religion or belief, but also in relation to its prevention in the long term.

17. Mr. AKSEN (Observer for Turkey) said that the principle of secularism as applied in Turkey should not be considered as a means of imposing an ideology or a single concept of faith. In Turkey there were no religious institutions comparable to those of the Catholic Church, which explained why the State took the administration of religious affairs into its hands. That being the case, there was no question of the Government using Islam as a political instrument. The Hanafite concept of Islam was certainly predominant in Turkey, but the State did not impose any dogma and it respected the freedom of religion and belief of all minorities. In that respect, the Government of Turkey fully respected the provisions of the Treaty of Lausanne and guaranteed the fundamental rights of the communities recognized in the Treaty as minorities. It did not, therefore, seem useful to appoint a Working Group to determine what interpretation should be given to the notion of minorities within the context of the Treaty of Lausanne.

18. Turkish nationalism, which the Special Rapporteur compared to a policy of "Turkification", had no religious dimension. All Turkish citizens were free to practise the religion of their choice, and that right was guaranteed by law. The Turkish delegation objected to the terms used by the Special Rapporteur to describe the principles of Atatürk, which he compared to a new religion. It stressed that those principles constituted the foundation of a large reform process that had resulted in the emergence of a modern and tolerant society in Turkey.

19. Ms. JAHAN (Observer for Bangladesh) recalled that the Bangladeshi Constitution and legislation contained provisions aimed at guaranteeing non-discrimination and freedom of religion and that the Government of Bangladesh was favourable to secularism even though Islam was the State religion. As their representatives had told the Special Rapporteur, Hindu, Buddhist, Christian and Ahmadi minorities were free to practise their religion and had not problems with interference from the authorities. Thanks to a number of positive measures, among which was the introduction of quotas, the access of non-Muslim minority groups to public office (including senior posts) was far from being limited, contrary to what was said in the report. The laws relative to personal status or the family were specific to each community. Yet when their provisions were incompatible with constitutional principles, it was possible to appeal to the rules of positive law set out in the Constitution, which then took precedence. The delegation did, however, take note of the Special Rapporteur's recommendation in paragraph 90 of his report. Unlike many Muslim countries, Bangladesh recognized the Ahmadi as a religious community. They themselves declared that they were not the victims of tension within society, as was indicated in paragraph 60 of the report. As for the fatwas, they did not enjoy popular support. The Supreme Court recently had even made a decision to annul a fatwa and had asked Muslim institutions to take measures to spread knowledge of the laws concerning personal status and to give the public a better understanding of the rights of women.

20. Also, the Bangladeshi delegation considered that the issue of the Chittagong Hills did not really fall within the Special Rapporteur's mandate, as the origin of the problem was not religious. That much said, however, in order to avoid misunderstandings she wanted to reaffirm the determination of the Government of Bangladesh to apply the peace agreement in full. Coming back to the use of the term "indigenous" in that context, she observed that the distinction between indigenous and non-indigenous did not apply to the Bangladeshi population. She also objected to the link established by the Special Rapporteur between the status of women and religion. While recognizing that women were the victims of many forms of discrimination, she stressed that the situation was not the result of religious intolerance but rather of economic and social factors and traditional forms of behaviour which the Government was trying to change. As for the terms used in the report to describe the *Vested Property Act*, presented as the plundering of a particular community's property, they were highly objectionable. Nevertheless, Parliament had adopted a bill for repeal of the Act, which should allow the property in question to be returned to its owners.

21. Lastly, she felt bound to refute the allegations of interference of religious matters in the country's politics. The claim that Islam was exploited for political aims was not justified. The Government observed the main festivals of all the religious communities as holidays and ensured that they were reflected in the media. Mutual comprehension among the various ethnic and religious communities was one of the characteristics of Bangladeshi society. There might nonetheless be isolated cases of discrimination and intolerance, and the Government of Bangladesh was ready to assume its responsibilities and do everything possible to further improve the situation. It remained open to any constructive suggestions that might be made in that respect.

22. Mr. PEREZ-VILLANUEVA y TOVAR (Spain) said that his country would do its utmost to ensure the success of the International Consultative Conference on School Education in Relation with Freedom of Religion and Belief, Tolerance and Non-Discrimination, to be held in Madrid from 23 to 25 November 2001. He recalled that the Preparatory Committee had already drawn up draft rules of procedure for the Conference as well as a draft final document, which had been submitted to the delegations and experts for analysis and comments; those should be received by 30 April. The Committee would meet again in Madrid in June and would continue its preparation of the documents to be presented to the Conference. The delegations and experts involved were invited to share their comments concerning the draft of the final document.

23. The Spanish Government hoped that a large number of non-governmental organizations and religious communities would take part in the Conference in Madrid, the aim of which was to promote tolerance and non-discrimination. It also hoped that States would endeavour to apply the recommendations to be incorporated in the final document.

24. Mr. AMOR (Special Rapporteur on the Freedom of Religion or Belief), in his final comments, said that he had looked into the principle of secularism in Turkey and thought he had understood its implications and meaning. It should be noted, however, that not all religions enjoyed the same attention as Islam in that country. He also insisted on the need to fight extremism and to ensure that political parties did not participate in making religion an instrument for politics. One only had to read the Turkish press to understand what was happening in Turkey. As for the Treaty of Lausanne, he did not feel qualified to interpret it but simply observed that the minorities it covered were disappearing and that their disappearance could not be attributed to economic factors alone. It was strange, to say the least, that most of those who emigrated belonged to a certain minority. Lastly, it was undeniable that in Turkey a movement of Turkification was currently under way, characterized by nationalism, at times excessive, to the detriment of certain ethnic and religious minorities. The extremists, whether they appealed to the cult of a man, Atatürk, or to a religious cult, should be countered, because extremism was always synonymous with intolerance and the denial of human rights.

25. Addressing the representative of Bangladesh, he observed that the terms "tribal populations" and "indigenous populations" had been used by the Prime Minister of Bangladesh himself when referring to the country's population and that they appeared in many official reports, notably of the United Nations Development Programme (UNDP). As for the Ahmadi, it was true that in Bangladesh they were recognized as Muslims, yet they had nonetheless been victims of attacks. The fatwas, in spite of the Government's efforts to solve the problem, were everyday occurrences and violated the rights of minorities and of women. He also reaffirmed that the difficulties in applying the agreement in favour of the Chittagong Hills communities lay in ethnic and religious considerations and that it was indeed the law entitled *Vested Property Act* that was the cause of the confiscation of property belonging to the Hindu community. He welcomed the fact that a legislative procedure was under way to compensate the Hindus. Lastly, it was a fact that religion was exploited by many political parties, including some that did not openly claim affiliation with a religion, especially for electoral purposes.

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE

(a) VIOLENCE AGAINST WOMEN (item 12 of the agenda) (E/CN.4/2001/70-E/CN.6/2001/3; E/CN.4/2001/71, 72 and 73 and Add.1 and 2; E/CN.4/2001/126-E/CN.6/2001/6; E/CN.4/2001/NGO/24, 25, 32, 37, 46, 56, 72, 77, 95, 113, 127, 151 and 169; E/CN.4/Sub.2/2002/17, 18 and 21)

26. Ms. COOMARASWAMY (Special Rapporteur on Violence Against Women) said that violence against women in times of armed conflict had continued unabated since 1997, the year of her last report on the issue. Unthinkable atrocities had been committed against women in the conflicts ranging from Afghanistan to Chechnya, from Sierra Leone to East Timor. The new report (E/CN.4/2001/73) gave an outline of the rapes, mutilations, humiliations and constraints of all kinds that women had endured since 1997.

27. The number of reported cases of violence committed by soldiers and members of the United Nations peacekeeping forces, notably in Bosnia Herzegovina and in Kosovo, caused particular concern. If the peacekeeping operations were to remain credible and if the climate of impunity which perpetuated violence against women was to cease, it was absolutely essential that all United Nations forces be held to the same obligations as States regarding respect for international law on human rights and that the United Nations code of conduct for personnel be applied strictly; the culprits should then be appropriately punished in their own countries. It was equally vital to train the members of the peacekeeping forces before their posting even began so that they fully understood that the United Nations High Command would not tolerate any acts of violence or abuse of power against women.

28. Another serious problem was that of children soldiers and of the traumatizing effects of armed conflicts on children, in particular on girls, who were often kidnapped and forced to play several overlapping roles, including porter, cook, fighter and sexual slave. It was essential that States and other actors should recognize that using children soldiers was a terrible violation of international standards, one that was not only morally

shocking but would also have considerable and lasting repercussions on the communities in which the children lived.

29. The increase in the numbers of internally displaced women and children, who were particularly exposed to violence and bad treatment, was also a matter for serious concern. Unlike refugees, internally displaced persons did not benefit from legally binding international standards specifically aimed at protecting and assisting them. The Guiding Principles on Internal Displacement did, however, mark a welcome step forward. It was important to ensure that internally displaced women were not doubly victimized. The Security Council had recently recognized that women should be fully involved in all efforts to maintain and promote peace and security. It was also necessary to take their needs and concerns into account within the context of reconstruction programmes after a conflict, as heads of family were then usually women.

30. Another serious concern lay in the fact that non-State actors who violated human rights and the standards of international humanitarian law often enjoyed impunity because there were so few means of exerting pressure on them. Progress had been made, at least with regard to legal sanctions, in the fight against impunity. For the first time in the history of humanity, persons who had perpetrated violence against women in time of war were being brought to justice. The judgement in the Foca affair by the International Criminal Tribunal for the Former Yugoslavia, which had considered that the unthinkable acts of brutality committed against women in that affair—involving rape and enslavement—constituted crimes against humanity and that torture should be treated as a war crime, was greatly to be welcomed. The adoption of the Statute of the International Criminal Tribunal, which categorically defined rape and other forms of sexual violence as crimes against humanity and war crimes, also marked a great victory for those who had fought to make international justice an important element in modern international law. She accordingly invited all States to ratify that instrument as a matter of urgency.

31. Emphasizing the importance of the World Conference on Racism, she recalled that because of racism women were often doubly victimized and expressed the hope that the Conference would place a great deal of emphasis on the question of intersectionality of discrimination based on race and sex. She had visited India, Nepal and Bangladesh in 2000 to study the problem of trafficking in women and children and had noted the determination of the countries of South Asia to put an end to that phenomenon by concluding a regional convention on the issue, which would in fact be the first convention of the South Asian Association for Regional Cooperation (SAARC). Although many countries of that region were drafting national legislation on the matter, there remained a great deal to do in order to ensure effective application of programmes designed to combat trafficking in women. Yet it would be of vital importance, in doing that, not to forget that the goal of the programmes was to apprehend the culprits, not to prevent women escaping oppressive living conditions. In protecting women's rights, it was important to avoid doing anything that would actually increase their unhappiness and subjection, and to make sure that their dignity and individual freedom were respected.

32. Ms. GRANT (Secretariat), reading a message from Ms. King, Special Adviser on Gender Issues and Advancement of Women, said that several important developments had taken place since the fifty-sixth session of the Commission on Human Rights. The General Assembly had dedicated a special session to women in 2000 and on that occasion the Member States of the United Nations had agreed on strategic measures to ensure that the objective of the Beijing Platform for Action were implemented. In October 2000 the Security Council had held its first debate on women, peace and security and had adopted a resolution of great significance. The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, already signed by 66 States and ratified by 18, had come into force on 22 December 2000.

33. The Commission on the Status of Women had, moreover, completed the work of its forty-fifth session on 16 March 2001 and adopted five draft resolutions, one of which concerned the situation of women in Afghanistan. It had also discussed its communications procedure in the light of the revision of procedure 1503 of the Commission on Human Rights and had requested a further report based on the

contributions of Member States. Lastly, it had taken note of the joint work plan established for the Office of the Special Adviser on Gender Issues and Advancement of Women, the Division for the Advancement of Women and the Office of the United Nations High Commissioner for Human Rights (E/CN.4/2001/70-E/CN.6/2001/3). There could be no doubt that cooperation between those three offices would continue and become stronger, in particular with regard to establishing procedures for the Optional Protocol as well as in some other areas, such as trafficking in women and children.

34. Ms. ŠIMONOVIĆ (Chairperson of the Commission on the Status of Women) informed the Commission on Human Rights of the results of the work done at the forty-fifth session of the Commission on the Status of Women. During that session the Commission had taken account of the report produced by the twenty-third special session of the General Assembly by adopting a draft resolution concerning proposals for a multi-year programme of work for 2002-2006, a programme that was to be implemented in the light of the results emerging from United Nations Conferences and summits to be held in the near future. If the Commission was to play a key role in implementing the Beijing Plan of Action and the decisions of the twenty-third special session of the General Assembly, it was extremely important that all other bodies and agencies of the United Nations should also continue to contribute to the process.

35. At its forty-fifth session the Commission had also adopted a draft resolution on the situation of women and girls in Afghanistan, as well as a draft resolution on mainstreaming a gender perspective into all policies and programmes in the United Nations system. The latter resolution recommended that the Economic and Social Council decide to establish a regular agenda item in its general debate on the gender mainstreaming issue and to plan for an evaluation, by 2005, of the system-wide implementation of ECOSOC's agreed conclusions (1997/2) on gender mainstreaming. On the basis of the results of the meeting of experts on "Gender and Racial Discrimination" organized at Zagreb in November 2000 by the Division for the Advancement of Women, the United Nations Development Fund for Women and the Office of the High Commissioner for Human Rights, the Commission had also adopted agreed conclusions on the issue of discrimination based on gender and on all other forms of discrimination. In those conclusions the Commission emphasized a fact that was becoming more and more widely recognized, namely that the various forms of discrimination did not always affect women and men in the same way and that gender discrimination could be intensified and facilitated by all the other types of discrimination. It advocated an analysis of the intersection of multiple forms of discrimination from a gender perspective and recommended Governments, the United Nations system and civil society to adopt a certain number of measures with a view to establishing a joint global strategy. Lastly, the Commission stressed in its agreed conclusions the need to integrate a gender perspective into the preparations for the work of and the follow-up on the World Conference against Racism and considered it essential that the delegations should include women.

36. The Commission had taken note of the joint work plan established for the Office of the Special Adviser on Gender Issues and Advancement of Women, the Division for the Advancement of Women and the Office of the High Commissioner for Human Rights (E/CN.4/2001/70-E/CN.6/2001/3). It had examined a report by the Secretary-General assessing the implications of reforms introduced in human rights mechanisms (procedure 1503) in connection with communications concerning the status of women (E/CN.6/2001/12). It had also considered, in closed meetings, the revised note of the Secretariat on interaction between confidential communications procedures of the Commission on Human Rights and the Commission on the Status of Women. It had decided to request another report on the communications procedure of the Commission on the Status of Women and ways and means of making it more effective and efficient in the light of the written observations submitted by Member States. Lastly, the Commission had taken note of the Report of the Working Group on Communications on the Status of Women, in which the Working Group had expressed its deep concern about continuing grave violations of women's human rights.

37. The Commission on Human Rights had contributed to a better understanding of the fact that gender influenced the exercise of human rights. The task now was to try harder to translate that understanding into reality by adopting measures, legislative measures in particular, at the national level. The work of the inter-governmental bodies would remain crucial in that connection. Given the lot of millions of women whose

human rights were trampled on every day, it was important to continue to strengthen the cooperation established between the Commission on the Status of Women and the Commission on Human Rights.

38. Ms. ABAKA (Chairperson of the Committee on the Elimination of Discrimination Against Women) said that with the accession of the People's Democratic Republic of Korea, on 27 February 2001, there were now 167 States party to the Convention on the Elimination of all Forms of Discrimination Against Women. She urged all countries that had not yet done so to sign the Convention without delay. The entry into force of the Optional Protocol to the Convention on 22 December 2000, signed by 66 States and ratified by 18, meant increased responsibilities for the Committee on the Elimination of all Forms of Discrimination Against Women because it would henceforth be empowered to examine individual communications and to enquire on its own initiative into serious and systematic violations of the Convention's provisions.

39. At its twenty-fourth session, the Committee had adopted Rules of Procedure for the Optional Protocol and appointed the members of its working group on communications, which would hold its first meeting in July 2001. The Committee had also deliberated on the links between discrimination against women and racism, racial discrimination and related intolerance. It had adopted a statement on gender and racial discrimination which would be forwarded to the second session of the preparatory committee for the World Conference Against Racism. The statement contained recommendations on special measures to protect women and girls from all forms of discrimination and on the integration of a gender perspective in national institutions, and it also encouraged further training in the area of human rights. The Committee had further decided that, subject to the availability of resources, three of its members, apart from the two living in South Africa, would participate in the World Conference.

40. The Committee had continued to strengthen its cooperation with the Office of the High Commissioner For Human Rights, which had offered to place its competence in the area of communications at the Committee's disposal. It welcomed the fact that women's concerns were being taken into account more and more seriously in the work of the human rights mechanisms, and particularly in the work of human rights treaty bodies. Strengthened by more efficient working methods, increased responsibilities and the priority accorded to gender concerns since the Fourth World Conference on Women, the Committee was counting on the continued support of the Commission on Human Rights and pledged itself to continue its cooperation with the Commission and the Office of the High Commissioner.

41. Ms. KUNADI (India) said that the Indian Government, eager as it was to give women the place they deserved in society and in the nation's economic, political and social life, had declared the year 2001 as "Women's Empowerment Year". Throughout the year, emphasis would be placed on revision of the legislation in force with a view to eliminating all discriminatory clauses against women and on the drafting of new laws to improve the protection of women's rights and interests. Several programmes had been set up to make the public more sensitive to women's issues, to improve their access to resources and to create an environment that would enhance the self-confidence and autonomy of women.

42. In the report on her mission to India (E/CN.4/2001/73/Add.2), the Special Rapporteur on Violence Against Women had duly noted the measures the Government of India had taken to combat trafficking in women and girls. She had nevertheless stressed the need for conceptual clarity in the definition of "trafficking", which was not clearly defined in Indian law on the subject. The Government of India had therefore asked the National Commission for Women, which was currently examining the possibility of amending the law, to look into the definition and communicate to the Government the views of the Special Rapporteur on the matter. To evaluate the scale of the problem, a national survey was planned with the aim of collecting the necessary factual information. The Government of India also shared the concerns of the Special Rapporteur about the impunity enjoyed by traffickers. It had urged all States to do everything in their power to ensure that traffickers were duly prosecuted. An awareness programme for the police was to be carried out in 2001 with the help of the United Nations Children's Fund (UNICEF). To combat corruption in general, and among the police in particular, a manual intended for the police force and for medical staff dealing with trafficking questions would also be prepared in the course of the year, again in collaboration

with UNICEF. Also, the National Commission on Human Rights had been asked to organize regional workshops and to publish guidelines on the subject of trafficking for the lower levels of the judiciary. The Government would also ask it to conduct a thorough study, as the Special Rapporteur had recommended, on the system of protective custody of women and to make suggestions as to how the conditions in protective custody homes could be improved.

43. The draft Regional Convention on Trafficking prepared under the aegis of the South Asia Association for Regional Cooperation (SAARC) was ready and was expected to be signed at the forthcoming summit of the States members of SAARC. The States felt that amendments could be made or additional protocols annexed to the Convention after its adoption in order to align its provisions, especially those concerning the definition of trafficking, with those of the Additional Protocol to the United Nations Convention on Transnational Organized Crime. As to the suggestion concerning the establishment of a regional surveillance mechanism, the Government of India thought that it would indeed be useful to have cooperation among the competent agencies of the countries concerned. Moreover, the Government of India acknowledged that concerted efforts were needed to confront the problem of HIV/AIDS in the region. It had set up a national AIDS control programme focused on prevention through enhanced awareness of the problem and improved treatment of those affected. It also recognized the important role played by NGOs in the efforts to combat trafficking.

44. While appreciative of the work done by the Special Rapporteur and willing to continue the dialogue begun during her visit to India, the Indian Government regretted certain observations made in the section of the report on India (E/CN.4/2001/73) which were based on unverified information from NGOs. The Government wished to state categorically that inquiries were always carried out without delay into the cases of violence against women reported in certain areas of the country and that the culprits were never spared, as was apparent from the replies that had from time to time been communicated to the Special Rapporteur, none of which, unfortunately, had found their way into her report. It was obvious that the Government could not act exclusively on the basis of false allegations propagated by terrorists, who were themselves responsible for violence against women, in order to demoralize the security forces. In the two cases mentioned by the Special Rapporteur, it was important to state that no inquiry could be made into the first because of lack of information and that the allegations made in the second had proved to be unfounded.

45. Mr. BAHADUR SHRESTHA (Observer for Nepal) said that the Government of Nepal had endeavoured to meet all the requests of the Special Rapporteur during her visit to Nepal, so that she could obtain all the necessary information about trafficking of women and girls in that country. Aware of the seriousness of the problem, the Government of Nepal was determined to do everything in its power to cope with it at the national and regional level, with the cooperation of all sectors concerned.

46. As the Special Rapporteur noted in her report (E/CN.4/2001/73/Add.2), the Nepalese Constitution of 1990 prohibited, in Article 20, trafficking in human beings, slavery, serfdom, exploitation and forced labour in any form. Trafficking was also covered by a number of other laws, notably the 1986 law on the suppression of trafficking in human beings, which provided for prison sentences of up to 15 years for traffickers. A new bill intended to strengthen that law was under consideration. It was also planned to set up special tribunals to deal with traffickers. Finally, Nepal was party to all the main international instruments on human rights, notably the Convention on the Elimination of all Forms of Discrimination Against Women.

47. Given the complexity of the problem, the Ministry of Women, Children and Social Protection had also prepared a number of programmes to combat trafficking and had developed, in collaboration with donor agencies, a national policy and plan of action aimed at designing action strategies, adopting appropriate laws, organizing awareness-raising activities and applying appropriate measures in the areas of health, education and rehabilitation. The plan was being put into effect through the intermediary of a National Coordination Committee under the Ministry of Women, Children and Social Protection as well as several local agencies. In every police station special units had been created to investigate crimes committed against women.

48. As trafficking was mainly a consequence of poverty, underdevelopment, illiteracy and unemployment, the Government of Nepal had set up programmes for professional training and awareness-raising in many districts. Several programmes were also being carried out in close collaboration with United Nations institutions and agencies such as UNESCO, ILO and UNDP. In 1999, as part of a technical assistance project arranged by the Office of the High Commissioner for Human Rights, workshops had been held on criminal law procedures and the rights of women in connection with trafficking. A training workshop had also been organized for the members of law enforcement agencies, in particular the police. At the regional level, Nepal was working in close collaboration with other countries of South Asia with a view to the adoption of a regional convention on trafficking. It was also collaborating with most of the numerous NGOs that were trying, in their diverse activities, to combat trafficking in Nepal.

49. With regard to the sale of children, the Nepalese delegation noted with regret that the information in paragraph 18 of the Special Rapporteur's report was misleading and devoid of any basis in reality. Nevertheless, he could assure the Commission that the Government of Nepal was aware of the problem and determined to do everything possible to deal with it. It was in that spirit that Nepal had signed the Optional Protocols to the Convention on the Rights of the Child in September 2000, one of which concerned the sale of children, child prostitution and child pornography and the other the involvement of children in armed conflicts. It would continue to make every effort to deal with those problems, acting in close cooperation with all competent sectors and taking due account of the recommendations made by the Special Rapporteur in her report.

50. Ms. JAHAN (Observer for Bangladesh) recalled that the Constitution of Bangladesh enshrined the principle of equality between men and women. Various legislative measures had accordingly been introduced to reduce the inequalities between men and women in several areas, particularly in education and health, in order to meet the particular needs of women. Thanks to those measures, the situation of women had substantially improved since 1995. Literacy levels had risen, the life expectancy of women had increased and the maternal mortality rate had dropped. Bangladesh had in fact been one of the first countries to establish an independent ministry to deal with women's issues which coordinated all the activities for the advancement of women incorporated in national development programmes and policies.

51. Priority attention had also been given to the problem of violence against women, which was a growing concern in Bangladesh. Various measures, some of which were mentioned in the Special Rapporteur's report on her visit to Bangladesh (E/CN.4/2001/73/Add.2), had been taken to cope with such violence. Bangladesh had, first of all, signed and ratified the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination Against Women in September 2000 and had demonstrated its will to protect the rights of women by removing two of its reservations to the Convention in 1997. It had also signed and ratified the two Optional Protocols to the Convention on the Rights of the Child and was party to the main international instruments on human rights, notably those relating to the rights of women. Legislative measures had been adopted to combat discrimination and violence against women, among them a law on the elimination of violence against women and children, adopted in 2000, which stipulated severe sanctions against the perpetrators of such violence and compensation for the victims. In that connection, her delegation did not think it appropriate to describe the law in question as "draconian", a term used by the Special Rapporteur in paragraph 62 of her report. The law was intended to punish serious acts of violence against women more severely, going so far as to specify capital punishment in certain cases for those who committed such crimes. It was intended to have a deterrent effect and was designed to protect the rights of victims, not those of the perpetrators of the crimes. In any case, it was not for the Special Rapporteur to comment on the justification for the laws adopted, nor on the punishments laid down in them, nor on the issue of capital punishment: such remarks had no place in her report.

52. Also, the Special Rapporteur stated at the beginning of paragraph 56 that trafficking was a widespread phenomenon in Bangladesh, although a bit further on she said that the exact number of victims of trafficking was not known. It would be useful if she gave more information on that point. She implied in paragraph 63, moreover, that law enforcement officers were not doing anything to put an end to the trafficking, whereas the

available statistics proved exactly the opposite. In order to fight trafficking efficiently, it was important to deal first of all with the root causes, such as poverty and the permeability of borders. It was also important to take concerted measures at all levels: in the country of origin, of transit and of final destination. The problem did in fact have regional dimensions and was aggravated by factors external to the country. That was why Bangladesh had played a major role in drafting the SAARC Regional Convention on Trafficking. As the Special Rapporteur emphasized, it was crucial to fight trafficking in a regional context.

53. Contrary to what was said in paragraph 67 of the report, members of the country's police forces did receive appropriate training for handling cases of violence against women in general and of trafficking in particular. Even so, the Government of Bangladesh, following up a recommendation made by the Special Rapporteur, had already requested technical assistance from the Office of the High Commissioner for Human Rights in that area. Furthermore, contrary to what the Special Rapporteur said in paragraph 70 of her report, the Government of Bangladesh had duly given the Government of India the information requested on all Bangladeshi women detained in Indian prisons. It therefore asked the Special Rapporteur to indicate more clearly in which cases the diplomatic representatives of Bangladesh in India had failed to provide the requested information.

54. The decision of the Government of Bangladesh to forbid women and young girls to go to the Middle East to work as domestic staff had been taken in the interests of the women in question and to protect their rights. In no case did it aim at restricting their freedom of movement. The Government had, at the same time, endeavoured to make women more aware of the dangers involved in jobs abroad.

55. Finally, the Observer for Bangladesh thanked the Special Rapporteur and assured her that the Government of Bangladesh would take due note of her observations and recommendations.

The meeting rose at 1.05 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-seventh session

SUMMARY RECORD OF THE 45th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 9 April 2001, at 3 p.m.

Chairperson: Mr. DESPOUY (Argentina)

later: Ms. AL-HAJJAJI (Libyan Arab Jamahiriya)

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GE.01-12567 (E)

The meeting was called to order at 3.10 p.m.

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE:

(a) VIOLENCE AGAINST WOMEN

(agenda item 12) (continued) (E/CN.4/2001/70-E/CN.6/2001/3, E/CN.4/2001/71, 72, 73 and Add.1 and 2, E/CN.4/2001/126-E/CN.6/2001/6; E/CN.4/2001/NGO/24, 25, 32, 37, 46, 56, 72, 77, 95, 113, 127, 151 and 169; E/CN.4/Sub.2/2000/17, 18 and 21)

1. Mr. MOLANDER (Observer for Sweden), speaking on behalf of the European Union and the associated countries of Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia and Turkey, said that, while there had been some improvements in the human rights of women in some countries, the Union was deeply concerned that many women were not part of that development. Governments must implement effective legislation and policies to ensure that women were given the opportunity to enjoy their human rights.

2. Women continued to be victims of violence, including domestic violence. Governments must prevent such acts and punish the perpetrators.. They must also address the stereotypes that surrounded that phenomenon. At the international level, the issue of violence against women in armed conflict had been addressed in the Statute of the International Criminal Court. All States should accede thereto.

3. Harmful traditional practices, including female genital mutilation and so-called honour killings, must be urgently addressed. Social, cultural or religious factors could not be invoked as a justification for human rights violations. The Union supported the mandate and work of the Special Rapporteur on violence against women.

4. The Union welcomed the adoption of the Convention against Transnational Organized Crime and the Protocol to Prevent and Punish Trafficking in Persons, Especially Women and Children, and urged Governments to sign and ratify those instruments. To combat such trafficking, Governments must also work together to address poverty and social exclusion and to prevent information technologies from being misused.

5. Promotion of gender equality was an effective way of combating poverty. In that regard, the Union wished to emphasize the right of women to equality with men before the law, including in respect of ownership of land and the right to inheritance. Governments should adopt policies guaranteeing equal access to education and should seek to ensure universal access to primary health care, including sexual and reproductive health, and to reduce the risk of young people, especially girls, becoming infected with HIV/AIDS.

6. The Union was seriously concerned about the number of reservations made to the Convention on the Elimination of All Forms of Discrimination against Women, some of which were incompatible with the Convention. He urged the States party to the Convention to

withdraw such reservations and to bring their national legislation into conformity with their obligations. They should also give serious consideration to ratifying the Optional Protocol thereto.

7. The principle of equality between men and women was a fundamental value of the Union. The recently adopted Charter of Fundamental Rights of the European Union was devoted, inter alia, to the application of the principles of equality between the sexes in all areas. Two recently adopted directives dealing with discrimination in various areas also integrated a gender perspective.

8. Lastly, he urged States to sign and ratify the international human rights instruments and to cooperate with the United Nations human rights mechanisms so that all individuals, including women and girls, could enjoy the rights enshrined in those instruments.

9. Mr. BINDIG (Germany) said that the issue of the traffic in women and girls was of particular importance to his delegation since Germany was both a country of destination and a transit country in the trafficking of human beings. Law-enforcement agencies of all the countries concerned must cooperate to fight that hideous phenomenon. At the national level, Germany had adopted a victim-oriented approach to the issue. Intensive counselling of victims had become standard procedure and consideration was being given to improving witness protection programmes so as to encourage victims to testify against the traffickers. Germany was also helping to deal with the root causes in the countries of origin through cooperation programmes aimed at improving education and investment conditions, building infrastructure and creating jobs.

10. With regard to violence against women, his delegation believed that the practice of female genital mutilation should be prohibited by law in all societies. Germany was doing its part to combat violence against women. It had adopted a national action plan on the subject and was pursuing active advocacy of women's rights internationally. It welcomed the entry into force of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

11. Mr. AL -HUSSAMI (Syria) said that all legislation in his country promoted the role of the family, which was the foundation of society. The Constitution guaranteed the right of women to participate on an equal footing with men in the economic, social and cultural life of the country. Two ministers were women; women also played an important role in the judiciary, in Parliament and in party leadership.

12. The Federation of Syrian Women had done much to eliminate the obstacles preventing women from participating fully in society; it had promoted social, cultural and training activities, particularly as regards literacy training, and was active in combating diseases. It had recently organized, with the assistance of the United Nations Population Fund (UNFPA) and the Ministry of Health, a seminar on combating discrimination. Personal status legislation had been amended with the result that women could take responsibility for children, could divorce and could stand for election. The Syrian public supported the promotion of women's rights in all areas.

13. Mr. ALCAIDE (Observer for El Salvador), speaking also on behalf of Belize, Costa Rica, the Dominican Republic, Guatemala, Honduras, Nicaragua and Panama, said that those countries attached particular importance to women's rights and that there were many women in important positions both in Government and in other areas. They had adopted legislation to guarantee equality among men and women in the region and had included a cross-cutting gender perspective in all policies and programmes implemented by national and subregional bodies. Particular attention was paid to education, training, the elimination of domestic violence and health.

14. In Costa Rica and Panama, nearly all pregnant women received pre-natal care and nearly all births were attended by trained personnel. Other countries had also made significant strides in that regard. More needed to be done to strengthen programmes to prevent sexually transmitted diseases, including HIV/AIDS. Regarding the treatment for the latter he expressed concern at the high cost of medication, which made it inaccessible for the underprivileged, and expressed the hope that the international community would come up with a solution that would be geographically inclusive.

15. He also expressed concern at the phenomenon of sexual tourism which could give rise to modern forms of slavery, and stressed the commitment of the countries he was representing to working with the international community to eradicate that phenomenon.

16. Turning to the report of the Secretary-General on the improvement in the status of women in the Secretariat (A/55/399), he expressed concern at the slow increase in the representation of women at the senior policy-making levels (D-1 level and above), at the decrease in the percentage of women at the P-4 level and at the absence of any women appointed as special representatives and special envoys.

17. Lastly, he drew attention to the International Research and Training Institute for the Advancement of Women, which had developed the Gender Awareness Information and Networking System, an interactive, virtual workshop on gender in which investigators, trainers, information and communications technology experts and focal points could participate at the national and regional levels. He called on traditional and potential donors for funding for the Institute, noting that unless resources were forthcoming, it would be forced to close by the end of the year.

18. Mr. NÆSS (Norway) said that the time had come to concentrate on the implementation of human rights instruments. His delegation hoped that the Optional Protocol would prove to be an effective instrument in implementation of the Convention on the Elimination of All Forms of Discrimination against Women. It was regrettable that universal ratification of the Convention itself had not yet been achieved and that a large number of Member States had entered reservations that were incompatible with its object and purpose. In the preparations for the forthcoming World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, it would be necessary to take into consideration the way in which gender-based and other forms of discrimination intersected.

19. Emphasis had recently been placed on the fact that gender inequality was linked to poverty: poverty reduction had to begin with the protection and realization of the human rights of children, and investment in children, particularly girls, was the best means of achieving equitable human development. The HIV/AIDS pandemic had both gender implications and gender-related causes; it was therefore of the utmost importance to mainstream human rights as well as a gender perspective in the preparations for the General Assembly special session on HIV/AIDS. The two perspectives should be fully integrated into the processes of other United Nations conferences also. In that regard, the welcome cooperation between the Commission on Human Rights and the Commission on the Status of Women should be strengthened.

20. His delegation strongly supported a zero tolerance policy on gender-based violence, and welcomed the recommendations on violence against women in armed conflict made by the Special Rapporteur on violence against women, its causes and consequences. "Honour killings", which the Secretary-General had called "shame killings", should be paid more attention: everything possible must be done to ensure that the perpetrators of such crimes were prosecuted and the victims given adequate protection.

21. It was also essential to muster the political will and the necessary international cooperation to combat trafficking in women and girls, and to ensure that the perpetrators of that form of organized crime were prosecuted. His delegation welcomed the relevant Protocol to the Convention against Transnational Organized Crime and hoped that the instrument would be widely ratified. The Protocol alone would not, however, ensure the eradication of trafficking in persons.

22. Ms. GERVAIS-VIDRICAIRE (Canada) said that, although there was no room for complacency, much progress had been made in the past year in mainstreaming the gender perspective. The Committee on the Elimination of Racial Discrimination had adopted a general recommendation on the gender-related dimensions of racial discrimination; the mandate of the Special Rapporteur on violence against women had been renewed for a further three-year term; Member States had reaffirmed their commitment to the Beijing Declaration and Platform for Action; the Security Council had adopted its landmark resolution 1325 (2000) on "Women and peace and security"; the Protocol to the Convention on the Elimination of All Forms of Discrimination against Women had entered into force; and the International Criminal Tribunal for the Former Yugoslavia had issued a judgement identifying sexual enslavement as a crime against humanity. Nevertheless, universal ratification of the Convention on the Elimination of All Forms of Discrimination against Women had yet to be achieved, and the number of reservations to it remained high.

23. Her Government welcomed the renewed attention the Special Rapporteur had given in her report to violence against women in situations of armed conflict. With regard to Security Council resolution 1325 (2000), it urged all parties to apply the recommendations contained therein and to make particular efforts to ensure increased representation of women at all decision-making levels in institutions and mechanisms for the prevention, management and resolution of conflict, to integrate a gender perspective when negotiating and implementing peace agreements; to urge all parties to armed conflict fully to respect the international law applicable to the human rights and protection of women and girls and to take special measures to

protect them from gender-based violence in situations of armed conflict; and to urge all States to eliminate impunity and to prosecute those responsible for genocide, crimes against humanity and war crimes relating to violence against women and girls.

24. The decision by the International Criminal Tribunal for the Former Yugoslavia confirming that acts of sexual violence committed during armed conflict might be considered as crimes against humanity and violations of the laws and customs of war showed that, when investigators, prosecutors and judges were trained in gender equality issues, impunity for violence against women could be thwarted. The ruling also demonstrated the concrete outcomes of paying attention to gender issues. There had been an increase in investigations and prosecutions for crimes against women in situations of armed conflict, and that progress should be sustained and built upon in future prosecutions, both national and international.

25. Her delegation was encouraged by the increasing collaboration between the Commission on Human Rights and the Commission on the Status of Women and their respective secretariats. The joint work plan of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Division for the Advancement of Women was of critical importance for the continued exchange of information and expertise essential to making the integration of women's human rights and a gender perspective in the United Nations system a reality. No form of discrimination could be effectively addressed without explicit recognition of gender considerations, and her delegation wished to encourage the forthcoming World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance to integrate a gender perspective into all aspects of its work. Governments had a critical role to play: they could include more women in their delegations to the United Nations, propose more women candidates for election or appointment to United Nations posts as well as for election or appointment, for example, as judges in international courts and tribunals.

26. Ms. INAYATULLAH (Pakistan) said that her country's Constitution was one of the few that contained articles calling for affirmative action to ensure the full participation of women in all spheres of life. On the occasion of International Women's Day, 2000, the Chief Executive of Pakistan, General Musharraf had, for the first time ever, delivered a State of the Nation address to the women of Pakistan in which he had stated that the cornerstone of his Government's policy was the elimination of gender bias in development and that progress for women was progress for all. The agenda of women was mainstreamed into the Government's sustainable economic growth package. Women would shortly constitute one third of all elected local government officials; there was a commitment to affirmative action at the provincial assembly and parliamentary levels; village committees would have a one third representation of women; and women were recognized as the beneficiaries of food subsidies.

27. Pakistan was giving active consideration to signing and ratifying the International Covenant on Economic, Social and Cultural Rights, and expected in the near future to be a signatory to Convention No. 100 of the International Labour Organization (ILO) on equal remuneration. A task force was reviewing Pakistan's Muslim personal and family laws in order to revise them with provisions from the Koran and Sunna to strengthen the female right to inheritance, simplify the rights to divorce, improve the marriage contract and review the provisions for the maintenance and custody of children. Jail conditions for women were also being improved.

28. Violence against women, particularly within the home, was of serious concern to her Government, and the National Commission on the Status of Women had been asked to report on the situation and recommend measures to remedy it. Each district in Pakistan was to have a family protection complex, linked with shelter homes and crisis centres for endangered women, the local police station and the judicial system. Pakistan's economic revival package had a strong strategy for the economic empowerment of women through capacity-building, skills training and credit facilities. The gender gap in education was being closed.

29. Turning to violence against women in situations of armed conflict, she said that the impunity of law-enforcement officials and the lack of accountability of perpetrators of rape and other forms of gender-based violence was particularly manifest in occupied territories, such as Kashmir and Palestine, and represented a major challenge to the international community. Her delegation fully endorsed the Special Rapporteur's call for all States to allow non-governmental organizations (NGOs) and the media free access to areas of armed conflict to report on the situation of women and girls and especially on war crimes committed by government forces.

30. The barbaric practice of so-called "honour killings" had been wrongfully associated with Islamic societies. She wished to stress that there was no compatibility between such criminal acts and Islamic States or the religion of Islam. Her Government considered all forms of passion killing, including "honour killings", to be murder and was firm in combating the practice through full implementation and enforcement of the law. The administrative and law-enforcement agencies in Pakistan were under strict instructions to permit no manipulation in registering or processing such cases.

31. Ms. DIALLO (Senegal), having welcomed the Secretary-General's efforts to integrate a gender perspective throughout the United Nations system and the resolution adopted in that regard by the Commission on the Status of Women at its forty-fifth session, said that all forms of violence against women must be combated and all inequalities between men and women corrected so that women could participate fully and effectively on an equal footing with men in all areas of public and private life.

32. Significant progress had been made in many countries, and some, like Senegal, had launched awareness campaigns on violence against women. Discriminatory legislation had been removed from the criminal code and from the law relating to marriage, family relations, succession and the right to property. Senegal was in the process of harmonizing its national legislation with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women. The country's new Fundamental Law, adopted by referendum on 7 January 2001, enshrined the basic rights of women and children by making explicit reference in its preamble to the respective international Conventions. The new Senegalese Constitution gave women the right to own property. The Senegalese authorities were going to concentrate more on the situation of women, and particularly rural women.

33. Much had been done, but there was an enormous amount still to do, particularly with regard to functional literacy, the education of girls and the host of productive activities performed by rural women. Projects and programmes were being implemented in Senegal to enhance the economic, technical and financial capacities of women through access to credit and micro-credit and to increase their participation in the decision-making process at all levels and in

all areas by putting particular emphasis on combating poverty and its particular impact on women, and on the training and schooling of girls. Senegal was undertaking such initiatives in cooperation with women's NGOs, development partners and civil society.

34. Lastly, it was both necessary and important to integrate a gender perspective into the preparatory process for the forthcoming World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as in the conclusions to be reached by that Conference.

35. Ms. TAHIR-KHELI (United States of America) said that if there was one key to the progress of women it was education and its empowerment of the individual. Wherever women had had educational opportunity they had proved themselves, improving their families, communities and countries in the process. Where they had been denied that opportunity, their families and countries were the poorer, with shortened life spans, endemic poverty and high rates of maternal and infant mortality. Women in her own country were breaking new ground and increasingly assuming leadership positions in all walks of life. In United States schools and colleges, women were doing as well as or better than men according to many of the indicators of educational attainment.

36. The perspective women had brought to United States society had had an important effect on the country's development assistance, which currently funded numerous health, education, micro-credit and civic empowerment programmes for women throughout the world. An issue on which her Government was focusing considerable attention was trafficking, the majority of victims of which were women and girls. It was one of the fastest growing and most nefarious types of international criminal activity, and to address it Congress had passed an act in October 2000 which increased penalties, mandated special training for law-enforcement authorities and created a new non-immigrant classification for victims of the most severe forms of trafficking which provided them with access to many federal benefits and services.

37. Her Government had published a brochure warning potential victims of the risks of trafficking and how they might protect themselves; it had been translated into 24 languages and was distributed through United States consulates and to local NGOs. Her Government was also stepping up its efforts to coordinate information with like-minded Governments about the criminals and syndicates that preyed on human victims, so that they could be identified and prosecuted. It was also working with public and private groups and human rights groups both domestically and internationally.

38. Trafficking was only one of the human rights problems that afflicted women and girls. In many places a girl was simply not valued as highly as a boy, limiting the opportunities for millions of women to reach their full potential. Their lack of control over sexual relationships increased their risk of contracting HIV/AIDS, and the greater social stigma they faced once infected made it more difficult to seek adequate care and treatment. Domestic violence, once hidden, was out in the open and could be combated. Women and girls frequently bore the brunt of harmful traditional or customary practices that caused physical and emotional scars: such practices had to end. Her Government applauded the recent finding by the International Criminal Tribunal for the Former Yugoslavia that enslavement of Muslim women and girls by three Bosnian Serbs for the purposes of repeated rape constituted a crime against humanity.

39. Ms. AL-HAJJAJI (Libyan Arab Jamahiriya) said that Islamic scholars found incomparable pleasure in studying the text of the Koran. One of the subjects of most engrossing interest was the question of the rights given to women by the Koran and the position the Muslim woman held in her society. An examination of the relevant texts quickly brought up a number of important issues, such as the relationship of women to inheritance, worship, polygamy and the veil. Exploring the text of the Koran had no bearing on the meaning or implications of the faith. It merely gave one the opportunity to consider the historical dimensions of women's existence within a specific temporal and spatial environment. Above all, she wished to emphasize the primacy of the context over the form of the text.

40. With regard to the particularly controversial issue of inheritance, some scholars maintained that the teachings of the Koran were proof that men and women were not equal in many areas, basing themselves on verse 11 of the chapter entitled "Women". The verse stated "A male shall inherit twice as much as a female". That text had, however, to be seen in terms of the essential vision of the Koran, the moral foundation of which was that there was full equality among men, regardless of race, religion, language, colour or social or economic origin.

41. Other issues to be taken into account were the social and political context and the impact that various other cultures which acknowledged women's rights had had on Muslim thinking after the Islamic conquest. The social context in which the scholars themselves lived was also relevant. Inevitably, such considerations had repercussions for the interpretation of a given text. The verse in question might be understood to mean that a woman should inherit at least half an inheritance.

42. Moreover, scholars - whether wittingly or not - sometimes overlooked the fact that there was nothing to prevent a man from transferring his fortune to his daughters during his lifetime and depriving his sons, or sharing it equally between them. That interpretation was consistent with other chapters of the Koran. It was important to clarify the issue, since such statements were often used as grounds to attack the Koran in its entirety.

43. Ms. de ARMAS GARCÍA (Cuba) said that two thirds of the 820 million people who suffered from hunger, mostly in the third world, were women. Of all maternal deaths, 99.5 per cent occurred in the third world. Of the 34.3 million people infected with HIV/AIDS, 15.5 million were women, two thirds of them in Africa. In sub-Saharan Africa, 40 per cent of pregnant women were HIV-positive and some 2,500 women died every day of AIDS. In other words, for countless millions of women the priority was not "empowerment" or "gender mainstreaming", important as such goals were, but sheer survival.

44. It was doubtful whether, the Commission was adopting the right approach in advancing women's rights. The report of the Secretary-General (E/CN.4/2001/71) and the report of the Special Rapporteur on violence against women (E/CN.4/2001/73 and Add.1 and 2) demonstrated the same double standards as obtained in other areas. The developing countries were singled out, with the racist implication that only in such countries were women's human rights violated. Moreover, the reports reflected an obsession with incorporating agenda item 9 into all the Commission's work. That led to the chronic problem of overlapping mandates, which militated

against attempts to rationalize the work of the United Nations, as well as reinforcing the tendency towards confrontation rather than cooperation in solving the urgent problems affecting women.

45. There was thus no opportunity of discussing the problems affecting women in the rich countries. In the United States, women's wages still amounted to only 73 per cent of the wages received by men for the same work. Women also constituted 70 per cent of part-time employees, who received only marginal social benefits, if any. Women constituted 85 per cent of the workers with more than one job and immigrant women received 22 per cent less than the average female citizen. There was no analysis of the fact that 60 per cent of women prisoners in the United States were African Americans or Hispanics, and, no attention was paid to the rights of African American mothers whose mortality rates in childbirth had reached the astronomic figure of 48 per cent over the past decade.

46. What the countries of the third world required was a new climate of international cooperation arising out of a new economic and social order in which all kinds of discrimination were eliminated, progress and well-being were assured for all and due respect was paid to sovereignty, independence, self-determination and non-intervention in a State's domestic affairs. Those countries would then have the possibility of participating on an equal footing in the decision-making process.

47. The experience of the Cuban revolution demonstrated that different ways of benefiting human beings were possible and that the situation of women could be radically transformed. In Cuba, women constituted 43.6 per cent of the labour force; 32.3 per cent of the persons appointed to economic, social and political posts; 27.62 per cent of members of parliament; 66.6 per cent of technicians and professionals; 60.6 per cent of university students; and 41.7 per cent of scientific researchers. On the other hand, the maternal mortality rate was only 2.2 per 10,000 births, while life expectancy for women at birth was 76.6 years.

48. Cuba was the first country to sign and the second to ratify the Convention on the Elimination of All Forms of Discrimination against Women. It had also signed the Optional Protocol to the Convention shortly after its adoption. The Government had submitted all the required periodic reports. Cuban women's full emancipation had been a result of the democratic system adopted in 1959, in which women had played an outstanding part, and the most flagrant and systematic violation of Cuban women's rights was the economic, financial and commercial blockade applied by successive United States administrations for over 40 years. She belonged to the generation of women who had been born blockaded and whose children had also been born blockaded. It was unacceptable for the Commission to condemn a Government that had put an end to over 50 years of neocolonial domination by the United States.

49. Mrs. RUSTAM (Indonesia) said her delegation was most gratified at the strong momentum that mainstreaming women's rights into all aspects of development and social action had developed. The goal of eradicating gender-based discrimination was achievable. There must, however, be continued improvement within the international bodies charged with attaining equality for all. Women's rights should be integrated into all aspects of United Nations human rights mechanisms. In that connection, the 2001 joint work plan of the OHCHR and the Division for the Advancement of Women was an admirable manifestation of the cooperation between the

two secretariats. Such initiatives would become even more important as preparations for the forthcoming World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance became more advanced.

50. She recalled the agreed conclusions on gender and all forms of discrimination adopted by the Commission on the Status of Women in March 2001. A similar integrated and holistic approach should be taken to address racism in all its forms, with the adoption of both legislation and normative measures. Special provisions to address the particular concerns of women and girls, including preventive measures aimed at the elimination of violence against women, should be adopted.

51. The issue of women and armed conflict was increasingly the focus of international attention. While attaching importance thereto, her delegation did not wish to lose sight of the broader concerns. The goals of the international community would not be met unless women played a full role in peace-building, as called for by the Fourth World Conference on Women. There was, moreover, a need to address the root causes of conflicts, namely poverty and underdevelopment.

52. Poverty and ignorance were the root causes of racism, gender discrimination and violence against women. The recent economic crisis had facilitated the exploitation of ethnic differences in some parts of her country. The Government did not, however, accept racial or ethnic discrimination and condemned it wherever it manifested itself.

53. The Government was also deeply concerned about the problem of violence against women. It had adopted a "zero tolerance" policy in that regard. It had signed the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and was committed to its implementation. A National Action Plan had been drafted for 2001-2004 incorporating the "zero tolerance" strategy, creating safety mechanisms and establishing new legislation to punish the perpetrators of such violence. It was to be hoped that greater freedom of the press would complement such action by focusing increased attention on the problem at all levels.

54. The National Commission on Human Rights, the National Committee on Anti-Violence against Women and the National Commission on the Protection of Children worked to highlight the issue of violence against women and strengthen national accountability. Their efforts would be strengthened by additional support from the international community. Complaint procedures were being put in place, together with a witness protection programme. Regrettably, however, there had been an increase in gender violence over the past year, probably as a result of the worsening economic situation.

55. Her Government provided some counselling for abused women and several private organizations also assisted them, with the focus more on reuniting women with their families than on providing protection. There was a small but growing number of women's crisis centres, including a drop-in centre in Jakarta founded by the Government-sponsored National Women's Organization in 1996. Others were administered by NGOs, while several public hospitals in Jakarta, Jogjakarta and Surabaya contained crisis centres for abused women. The police stations in those cities had opened "women's desks" to assist in rape and domestic violence cases.

56. Mr. LI Dongsheng (China) said that Governments, the international community and NGOs all attached importance to the outcome of the recent special session of the General Assembly and were taking positive steps to implement the results. At the same time, the difficulties faced by many countries, particularly the developing countries, must be taken into account. The benefits of globalization had not been equally distributed. The gap between rich and poor was widening; and poverty constituted a major obstacle to the realization of women's rights. The number of women victims of various diseases - especially HIV/AIDS - who were unable to pay high prices for drugs and medical care was on the increase. Moreover, the traditional prejudice and discrimination against women deprived many of them of the opportunity of employment and education.

57. There were a number of priorities that should be set. The first should be poverty eradication. Developing countries should strive to develop their economies. Only thus could the economic foundation be laid for enhancing women's status. Secondly, since disease and poverty formed a vicious circle, Governments should pay special attention to women's health issues and adopt practical measures to that end, especially in developing countries. Thirdly, education should be improved, since it determined the pace and quality of social development, which itself was the key to women's participation in politics and employment. His delegation called on the international community, especially the developed countries, to provide genuine assistance and support for the efforts made by the developing countries in those areas.

58. Women's rights were trampled underfoot by various evil powers, including the Falun Gong cult. Taking advantage of women's sincerity and kindness, Falun Gong exercised control over their minds, gradually depriving them of freedom of expression and causing them to abandon their families and become irrational. Irremediable harm was caused to their health or even their lives. Several hundred women had died of curable diseases because they had refused medical treatment.

59. Even more shockingly, many Falun Gong practitioners had mutilated themselves or committed suicide, believing such action to be a passport to heaven. On 23 January 2001, seven Falun Gong practitioners, including five women, had set fire to themselves in Tiananmen Square. One mother and daughter had already died and another mother and daughter were in a critical condition. The Government had banned the cult in order to protect other innocent women and girls. His delegation called on the whole international community to act to eradicate all evil cults in order to protect women's rights and interests.

60. Mrs. DINH THI MINH HUYEN (Viet Nam), expressing concern at the increase in trafficking of women and girls from developing countries, welcomed the international efforts being made to combat such crimes, especially within the United Nations system.

61. Vietnamese law guaranteed the principle of equality and non-discrimination between men and women. The State attached great importance to the equal enjoyment by women of all human rights. In the National Plan of Action for the Advancement of Women, priority had been given to employment generation and poverty alleviation, and significant achievements had been registered in both areas. In particular, women made up 26 per cent of the national assembly, the highest proportion in Asia.

62. Her Government was actively tackling social evils such as narcotic drug abuse and trafficking in women and girls, and had improved domestic legislation and strengthened punitive measures to that end. National machinery had also been created to combat HIV/AIDS, narcotics and prostitution. Thanks to public information campaigns and other measures, a number of brothels and trafficking networks had been eradicated, the perpetrators prosecuted and the victims offered rehabilitative care and financial support.

63. Her Government also cooperated in related efforts at the regional and international levels. The international community should take further action, in particular by condemning the misuse of the Internet for trafficking purposes. Moreover, Governments should address the root causes of trafficking, namely poverty, unemployment and social discrimination. Those forms of violence against women would be eradicated only when the principle of equal rights and non-discrimination was realized.

64. Ms. GUSYNINA (Russian Federation) said that, in the report of the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/2001/73 and Add.1), broad generalizations and groundless accusations had been made concerning the actions of the federal forces in the Chechen Republic engaged in anti-terrorist activities. The Special Rapporteur should be advised not to listen to rumours and fabrications, but to witness the situation for herself. Such visits required preparation, but thus far, she had failed to respond to the Government's invitation to visit the area.

65. The special session of the General Assembly, while adding new momentum to the efforts of the international community to combat discrimination against women, had revealed how much remained to be done before full equality was achieved. In many countries, women were still unaware of their rights. The attention accorded to the "dual burden" on women in countries in transition had been particularly welcome. The results of the special session must be translated into concrete programmes at all levels, not least by the specialized agencies of the United Nations systems.

66. Government mechanisms had the primary responsibility for resolving women's issues. In the Russian Federation, the national commission for the advancement of women sought to outlaw discrimination in the workplace, increase the participation of women in decision-making, prevent violence in the family and improve the situation of the most vulnerable groups. Additional measures would soon be taken in respect of trafficking in women and their sexual exploitation abroad, but since trade in "living merchandise" depended on demand, responsibility must also be shared by the countries of destination. The draft national plan of action for women envisaged, inter alia, the signing by the Russian Federation of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

67. Her delegation welcomed the recommendation in the report of the Secretary-General (E/CN.4/2001/71) concerning the need to clarify further "the obligations of States to prevent and redress violations of women's rights". States should also take steps to improve the situation of women living in poverty and to eliminate prostitution networks. The OHCHR efforts to address trafficking in persons were particularly welcome. The international community must make joint efforts to achieve the goal of genuine gender equality in the twenty-first century.

68. Ms. Al-Hajjaji (Libyan Arab Jamahiriya), Vice-Chairperson, took the Chair.

69. Mr. SOLARI (Argentina) expressed support for all the United Nations activities to improve the status of women, urging States to implement the recommendations contained in the report of the Secretary-General (E/CN.4/2001/71). He also welcomed the report by the Special Rapporteur on violence against women (E/CN.4/2001/73 and Add.1-2). The violence described in that report made it clear that women should be included at all United Nations levels, not least in peacekeeing and civil police units.

70. In his own country, the relevant international instruments had been incorporated into domestic legislation, including the International Convention against All Forms of Discrimination against Women. In addition, the participation of women in politics had recently been reinforced, and a minimum quota of 30 per cent women in parliament established. His Government was committed to protecting the human rights of women, including their sexual and reproductive rights, and was focusing on reducing maternal mortality, preventing teenage pregnancy and protecting motherhood and the health of women and children.

71. Violence against women was being addressed through legislative and practical measures, including public education programmes and media campaigns. Research and counselling facilities had been provided for victims of physical and psychological abuse, and free legal advice was also provided. The Criminal Code had been modernized in 1999 to ensure that sexual violence was viewed as an offence to the dignity of the individual and not as an attack on a woman's purity or honour. The punishment for such crimes had also been increased. His Government was committed to defending the human rights of women, in particular by eradicating gender-related violence and building a society of equal opportunity and justice. It had signed in December 2000 the Protocol to the Convention against Transnational Organized Crime to Prevent and Punish Trafficking in Persons, Especially Women and Children and the ratification process was under way in the Argentine parliament.

72. Mr. WATANABE (Japan) said that, if the twenty-first century was to be peaceful and prosperous, gender equality must be ensured. His Government was determined to implement the results of the recent special session of the General Assembly and had approved a national plan of action to that end, which included long-term measures to expand women's participation in decision-making, to remove existing disparities between male and female workers, and to eliminate all forms of violence against women. In addition, national machinery for achieving and monitoring gender equality had been strengthened, and the implementation of equal opportunity legislation reinforced.

73. Convinced that international cooperation was crucial to furthering the empowerment of women in developing countries, his Government had, over the past five years, taken the initiative in supporting United Nations Development Programme (UNDP) activities aimed at empowering women in developing countries. By focusing at the international level on the issue of "human security", his Government sought to address the feminization of poverty and other problems associated with those aspects of globalization which had proved negative. It was determined to make every effort to promote gender equality in Japan and in the world by working together with the United Nations system and civil society.

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:

(e) RELIGIOUS INTOLERANCE

(agenda item 11) (continued) (E/CN.4/2001/63)

74. Mr. KHANI JOOYABAD (Observer for the Islamic Republic of Iran), speaking in exercise of the right of reply, said that his delegation wished to correct a misrepresentation in the report by the Special Rapporteur on religious intolerance (E/CN.4/2001/63). The three Baha'is mentioned in paragraphs 77-79 had been convicted of spying, and not on the grounds of their religion. Nor had any death sentences been confirmed. According to the latest information available, one had been released, while the others had received prison sentences of from four to seven years. It was to be hoped, however, that the latter would benefit from official pardons and be released in the near future.

The meeting rose at 6 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-seventh special session

SUMMARY RECORD OF THE 46th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 9 April 2001, at 6 p.m.

Chairperson:	Ms. AL-HAJJAJI (Vice-Chairperson)	(Libyan Arab Jamahiriya)
later:	Mr. DESPOUY (Chairperson)	(Argentina)
later:	Mr. MENDONÇA E MOURA (Vice-Chairperson)	(Portugal)

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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE:

(a) VIOLENCE AGAINST WOMEN (continued)

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In the absence of Mr. Despouy (Argentina), Ms. Al-Hajjaji (Libyan Arab Jamahiriya), Vice-Chairperson, took the Chair

The meeting was called to order at 6 p.m.

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE:

(a) VIOLENCE AGAINST WOMEN

(agenda item 12) (continued) (E/CN.4/2001/70-E/CN.6/2001/3, E/CN.4/2001/71, 72, 73 and Add.1 and 2, E/CN.4/2001/126-E/CN.6/2001/6; E/CN.4/2001/NGO/24, 25, 32, 37, 46, 56, 72, 77, 95, 113, 127, 151 and 169; E/CN.4/Sub.2/2000/17, 18 and 21)

1. Mr. BOWA (Zambia) said that, in spite of the adoption of various United Nations instruments, and the reaffirmation of women's rights as human rights by the 1995 Fourth World Conference on Women, much remained to be done in many countries in order to ensure full and equal enjoyment of those rights. Recognizing the paramount importance of gender equity to sustainable development, including poverty eradication, his Government had, in March 2000, adopted a "national gender policy", which was being implemented at all levels. A Land Act had been passed, enabling women to own land, thus overcoming a major hindrance to their effective participation in national development, and provision had also been made for their ownership of homes.

2. The Commission should endeavour to ensure appropriate follow-up to the recommendations of the report of the Special Rapporteur on violence against women, to which they were particularly exposed in conflict situations. In the report of the United Nations Development Fund for Women (UNIFEM) emphasis was placed on the importance of strengthening endeavours to accelerate the implementation of the Beijing recommendations, which included concern over violence against women. Zambia had demonstrated its clear political will to combat that problem, and was a signatory of the Southern African Development Community Declaration on Gender and Development. It had adopted the United Nations definition of violence, and wished to avail itself of technical and financial support under the UNIFEM Trust Fund. Although, like many other countries, Zambia had to contend with traditional beliefs and practices favouring the dominance of men, legal provisions covering gender violence had been included in the Penal Code, and the Government was committed to supporting awareness campaigns drawing attention to those provisions.

3. His delegation supported the conclusions of the report on trafficking in women and girls, and recognized the importance of identifying trafficking flows within and out of the African continent. That formed part of a necessary international response and should include United Nations participation. His Government also wished to encourage efforts to increase the representation of women in all United Nations institutions and at all levels of decision-making, due account being taken of equitable geographical representation.

4. Ms. PEREZ DUARTE Y NOROÑA (Mexico) said that the concern of the Mexican Government to combat discrimination, marginalization and violence against women had led to the establishment at the beginning of the current year of a National Institute for Women with an extremely wide mandate covering the implementation of coordinated programmes by various branches of the federal administration, with a view to strengthening their institutional structure and establishing firmer links between the legislative and judicial authorities at both the federal and local levels. The law setting up the Institute defined gender equality as the guarantee of just and equal access to the goods and services of society, including opportunities and rewards, as a means of achieving equitable participation of women in decision-making in all social, economic, cultural and family spheres. One of the objectives of the Institute was the promotion of a culture of non-violence, in which context the Government acted on the conviction that the struggle against poverty, marginalization and violence against women was a social imperative at the national, regional and international levels. Statistics showed that strengthening the economic capacity of women contributed to balanced development of their children, but also reflected a tendency towards the feminization of poverty, which the Fourth World Conference on Women had recognized as caused by a lack of economic opportunities and autonomy, and inadequate access to education.

5. As the Special Rapporteur on violence against women pointed out in her report, some economic policies exacerbated disparities between men and women, exposing the latter to exploitation and violence. The report also stated that family violence, the most common type to which women were exposed, was due to the economic dependence of women on men and the abuse of power characteristic of patriarchal structures. Unfortunately, voices were sometimes still heard claiming that violence against women and family violence were not violations of human rights, in spite of the numerous affirmations to the contrary. The policy of her Government was based on a recognition of the inseparability of violence against women and their deprivation of economic resources of their own, which must include ownership of land, adequate housing, and the right to exercise such ownership independently of their marital status.

6. Mr. CHUNG (Republic of Korea) said that his delegation attached particular importance to the Commission's efforts to overcome the discrimination faced by many women in respect of their general human rights and their rights relating to gender. His Government had taken a number of measures to promote and protect those rights, and had recently established a Ministry of Gender Equality as an earnest of its commitment to the Beijing Platform for Action. The Ministry's responsibilities would include the prevention and elimination of violence against women, the upsurge of which around the world, particularly during armed conflicts, was perturbing. The first ever convictions for rape and enslavement during such conflicts handed down by the International Criminal Tribunal for the former Yugoslavia reflected a strong international consensus that such acts of violence against women constituted a serious crime and must not go unpunished.

7. Among the most abominable cases of wartime human rights violations against women were those that had occurred during the Second World War when the Japanese military had sexually enslaved Korean women, the so-called "comfort women". His Government had hoped that that page of history could be turned with the 1998 Joint Declaration on a New Korea-Japan Partnership, but it had found to its indignation that Japanese history textbooks either made no reference to the "comfort women" issue or depicted it in far less precise terms than in previous

editions. His Government strongly urged the Japanese Government to take the necessary steps to rectify that situation. The gender perspective should be an integral part of government policies, the agenda of the United Nations system, and the daily lives of all participants.

8. Ms. RAJMAH (Malaysia) said that the recent upgrading of an agency responsible for promoting the advancement of women and gender equality to a Ministry of Women's Affairs and Family Development was a significant event for Malaysians in general, and Malaysian women in particular. The national policy on women and its associated plan of action, adopted in 1989, continued to provide mechanisms to enhance the contribution of women to social and economic development, including provisions enabling them to acquire the necessary skills and knowledge to cope with the challenges of globalization and a knowledge-driven economy. The 2000 census showed that women represented 44 per cent of Malaysia's productive workforce, and held 14 per cent of decision-making posts in the public sector. Measures to increase female participation in the labour market included encouragement to employers to provide suitable housing, childcare facilities, transport and health care, and to introduce a code of ethics to prevent sexual harassment in the workplace.

9. In the educational field, female students accounted for about 66 per cent of total enrolment at the upper secondary and tertiary levels, and their enrolment in public universities had risen to 55 per cent. In the technical field, the Government was implementing measures to raise female participation from 30 to 50 per cent within the coming decade. In the health field, women had equal access to health-care services, their life expectancy had increased, and maternal mortality remained at a low rate of 0.2 per thousand live births. Specific programmes had been undertaken to include the prevention of mother-to-child transmission of HIV/AIDS with provision of free treatment to affected mothers and children. Malaysia was also intensifying efforts to eliminate all forms of violence against women, including a comprehensive programme incorporating awareness-raising measures and the provision of support and rehabilitation services. With regard to the elimination of discrimination, the Government had enacted or amended legislation. In accordance with its philosophy of promoting "growth with equity and balanced development", it had planned measures to empower women in particular through the acquisition of ICT skills so as to ensure their participation in the smooth transition to the technology and knowledge-driven economy of the twenty-first century.

10. Mr. SAHRAOUI (Algeria) said that, in spite of the progress made in several fields at the twenty-third special session of the General Assembly, a great deal remained to be done, particularly in relation to the targets set by the Beijing World Conference. It had clearly emerged during the special session that the efforts of developing countries to promote the status of women were largely obstructed by the negative consequences of globalization, the social effects of structural adjustment programmes and intolerable debt burdens. His delegation was convinced that full integration of women's rights could only be achieved through resolute action by developed countries to eliminate those obstacles to the endeavours of the developing countries.

11. The concern of the international community about the alarming phenomenon of violence against women was reflected in the reports of the Special Rapporteurs on violence against women, and on systematic rape, sexual slavery and slavery-like practices during periods of

armed conflict. With regard to the former report (E/CN.4/2001/73), his delegation wished to point out that the "non-State actors" (para. 47) committing atrocities against women were not always rebel or opposition forces. In some regions, what were tantamount to small armies commanded by warlords, whose sole objectives were plunder and personal enrichment, were responsible; in other regions, similarly motivated mercenary armies were involved; in yet others the perpetrators were armed terrorist groups that had declared war on an entire people. All of those categories should have received the attention of the Special Rapporteur.

12. With regard to trafficking in human beings, the criminal networks involved obviously recruited and transported women to regions where there was a strong demand - specifically from the South and from Eastern Europe to the countries of the North. His delegation appealed to States parties to the Convention on the Elimination of All Forms of Discrimination against Women to fulfil their obligations under article 6 of the Convention, which required all States parties to "take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women". It went without saying that measures to prevent international trafficking did not and should not present an obstacle to immigration or freedom of movement not associated with trafficking, in accordance with international law.

13. Humiliating or degrading treatment of women migrant workers in developed countries was also a source of serious concern to Algeria, and, he was sure, the majority of developing countries. That was a question which was not receiving the attention it deserved from the various human rights protection mechanisms. His delegation called on those mechanisms, especially the Committee against Torture, the Committee on the Elimination of Discrimination against Women, and the Special Rapporteurs on torture and on violence against women, to give serious consideration to the situation of migrant women, include that subject in their work programmes and report on it at the Commission's next session.

14. True to its profound convictions and international commitments, Algeria, in spite of all difficulties, was actively engaged in promoting the role of women in the educational, cultural, juridical, political and ideological fields with a view to eliminating all barriers, including cultural and ideological barriers, to the achievement of that goal. Some of its objectives in relation to schooling, vocational training, improved access to health care, and fuller participation in working and public life and in the decision-making process had been already achieved. Nevertheless, his Government was aware of the remaining challenges before it, and reaffirmed its determination to rid itself of obstacles resulting from archaic social practices and attitudes.

15. Mr. OKUNROMADE (Nigeria) said that, while much progress had been made over the past year in some areas relating to the empowerment and advancement of women, areas of concern had also emerged. In the view of his delegation, the Commission should focus attention on the latter areas. The historic judgement of the International Criminal Tribunal for the former Yugoslavia that rape was a crime against humanity sent a strong signal to all that rape would no longer be condoned as a weapon of war, ethnic cleansing or intimidation. On the other hand, a new form of violence, trafficking in women, had emerged; the President of his country had called that practice a "new slave trade". Extreme poverty - one of the consequences of the huge foreign debt burden borne by developing countries - led to the exploitation of millions of

individuals, mostly women and girls, who were sold as commodities and sexually abused. His delegation agreed with the Special Rapporteur on violence against women on the need to legislate against such trafficking, and there was a bill to that end currently before the Nigerian National Assembly.

16. His delegation also welcomed the adoption by the General Assembly of the Convention against Transnational Organized Crime, and particularly, in the present context, the protocol to prevent, suppress and punish trafficking in persons. His Government had launched a national policy on women designed to promote their effective participation in development. In addition, NGOs had formed a national coalition on violence against women, and also a national tribunal with the objective of exposing the increasing incidence of violations of women's rights. New legislation had also been introduced to terminate harmful traditional practices, including early marriage. Those were some of the manifestations of the prominence being given to gender issues in Nigeria, prominence which was also reflected in the fact that women occupied important positions in the cabinet, judiciary and civil service.

17. Ms. PEJIC (International Committee of the Red Cross) said that women were afforded both general protection as human beings and special protection as women against such abuses as rape, enforced prostitution and any form of indecent assault, by the four Geneva Conventions of 1949, their two additional Protocols of 1977 and a number of other international instruments. Better implementation of international humanitarian law must, however, continue to be striven for by all in a position to influence the conduct of hostilities. A further major step in the fight against impunity had been taken by the ruling of the International Criminal Tribunal for the former Yugoslavia that rape and other forms of sexual violence in armed conflict constituted crimes against humanity. There was also a clear need for better reporting on forms of violence against women, who were often less "visible" in their communities and subject to many constraints in trying to approach organizations for assistance. The International Committee would, in the coming months, publish a study of the impact of armed conflict on women, and was committed to raising awareness among military forces of the laws governing armed conflict, and of the responsibility of their forces to prevent violations against protected populations, to ensure safe access for humanitarian organizations, and to bring perpetrators of violations to justice in national or international courts.

18. Mr. MUNTASSER (United Nations Population Fund) said that, in spite of national and international efforts, including the support to Governments provided by the fund for training and technical assistance in creating institutions for gender equality, and the participation of women in decision-making, reproductive health was still below acceptable levels. Half a million maternal deaths occurred each year, most of them in developing countries; only 53 per cent of births were professionally attended; and women underwent an estimated 50 million abortions, resulting in the death of some 80,000 and in the suffering of millions. Trafficking in women and children for sexual purposes was increasing; millions of young women were exposed to female genital mutilation and HIV/AIDS; and two thirds of the world's illiterates and poorest people were women and girls. Governments had a key role to play in improving that situation, and a stronger partnership between them, NGOs and local communities should be encouraged. The allocation

of resources at the national level and the contributions of donors continued to lag behind commitments. Special attention should be given to gender issues at the forthcoming World Conference against Racism and agreement should be achieved on explicit recommendations to ensure that women were respected and tolerated as equal partners in political and economic activities.

19. Mr. Despouy (Argentina), Chairperson, took the Chair.

20. Mr. HADI (Observer for Iraq) said that considerable advances towards achieving women's rights had recently been made as a result of the impetus given by international declarations and instruments affirming the universality and indivisibility of those rights. They had been included in the priorities of international organizations and become an integral part of their work. His Government, basing itself on its social philosophy and political system, had taken vigorous measures to promote women's rights, including participation in public life. Legislation guaranteeing their rights to education, health and political participation had been adopted, and legal measures taken to put an end to any situation of violence to which they might be subjected and to punish those perpetrating it. Iraq had ratified the Convention on the Elimination of All Forms of Discrimination against Women, it ensured that its legislation was in conformity with that commitment, and a national plan of action had been adopted to implement the Beijing Programme. The women of Iraq were among the most vulnerable victims of the embargo maintained against their country, which was a form of violence inflicted by international decisions, and a violation of the principles underlying international conventions and treaties. He called for a prompt end to that violence, which would restore the rights of women to live in peace and without fear.

21. Ms. PATERSON (Observer for New Zealand) said that the Convention on the Elimination of All Forms of Discrimination against Women was the fundamental platform for the promotion of women's rights, and her delegation urged all States not only to ratify the Convention and the Optional Protocol, but to spare no effort to fulfil their obligations under those instruments. The reporting process associated with the Convention facilitated the compilation of data on the current status of women in individual countries, and also made it easier for Governments to be held accountable for failures to conform to Convention standards and principles.

22. In conjunction with the United Nations Secretariat's Division for the Advancement of Women, New Zealand had, in February 2001, conducted a Pacific island subregional training workshop on the preparation of Convention reports, the success of which should encourage the holding of similar workshops in the Pacific and other regions. A significant development over the preceding year had been the opportunity provided by the special session of the General Assembly to review progress in the implementation of the Beijing Declaration and Platform for Action, the promotion of gender equality and the empowerment of women had also been recognized as a crucial goal by participants in the Millennium Summit Declaration.

23. Her delegation strongly supported the resolution on the elimination of violence against women to be presented at the current session of the Commission, in which reference was made to the comprehensive report of the Special Rapporteur, who had pointed out that women and girls continued to be the victims of unimaginable brutality. Her delegation fully agreed with the

Special Rapporteur that the adoption of the Rome Statute of the International Criminal Court was a major step forward for women's rights. Her Government had ratified the Statute and called on all States to do the same. It also welcomed the decision of the ad hoc international criminal tribunals ending impunity for gender-based crimes in times of armed conflict. It was particularly abhorrent that peacekeeping operations had in some instances contributed to the incidence of violence against women, including trafficking. The forthcoming World Conference against Racism would provide an excellent opportunity to address the problem of double-discrimination against women on grounds of both race and gender.

24. Ms. RIVERA RAMIREZ (Observer for Honduras) said that her delegation associated itself with the statement by the representative of El Salvador, speaking on behalf of the Central American Integration System. Honduran women had made significant new advances in the economic, political and social spheres. Many occupied senior government posts, including a third of cabinet posts. There had been a 12.6 per cent increase in their participation in the labour force, which, as the Economic Commission for Latin America and the Caribbean had pointed out, drew primarily upon women aged between 25 and 49, a time at which they bore heavy family and other outside responsibilities. The result was that they were obliged to work in the informal sector with its flexible timetable but limited opportunities for promotion or advancement.

25. Her Government had ratified a series of international treaties promoting gender equality and effected the necessary changes in national legislation. Important measures had included the adoption of legislation on domestic violence and the increase in the severity of penalties for sexual offences, including harassment, which had been common in the workplace. Her Government recognized the link between gender discrimination and poverty, and the need to improve women's access to higher earnings, and to educational, health, nutritional and other facilities that would enable them to participate more fully in the development process.

26. Mr. SELIM-LABIB (Observer for Egypt) said that his Government had introduced new legislation on the right of women to divorce, placing them on the same legal footing as men. The equality of the sexes was based on a proper understanding of shariah principles, and the adoption of new legislation had been preceded by a lengthy democratic debate at all levels of Egyptian institutions and had benefited from the input of NGOs. Another new development, which was of institutional importance, was the founding of a National Women's Council presided over by the wife of the Egyptian President. One of the Council's activities in the promotion of women's rights had been its contribution to a series of lectures dealing with the pioneering achievements of women. A further development had been the holding of the Arab Women's Summit in Cairo, which had laid the foundations for regional and international cooperation. The Committee on the Elimination of Discrimination against Women had concluded that the report of Egypt submitted in February 2001 highlighted the commitment of the Government to the promotion of women's rights, as well as describing its efforts to reduce illiteracy among women through the adoption of specific programmes and the provision of financial support. His Government was determined to make all necessary efforts to solve the problems facing Egyptian women and make them essential partners in development.

27. Ms. KASYANJU (United Republic of Tanzania) said that, in spite of the will of the international community to provide women with equal rights and freedoms, which had been so clearly manifested at the 1993 Vienna World Conference on Human Rights and the 1995 Beijing Conference, they still suffered from deprivation and exploitation in various parts of the world. Some of the steps taken by her Government to remedy that situation had been its ratification of almost all human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women. It had also taken serious measures to eradicate all kinds of violence and discrimination against women, including the enactment of criminal legislation in 1998 and 1999, which provided for severe punishments for such offences. It had further decided in 1998 to amend or repeal discriminatory laws - a process which was still continuing. The Law of Marriage Act was under review, and the Government was taking vigorous action against the practice of female genital mutilation, which had not yet been completely stamped out. Tanzania realized, however, that the ratification of international human rights instruments and the enactment of laws and regulations to curb abuses were not sufficient; it was endeavouring to educate society in both rural and urban areas on the need to practise respect for women and contribute to the integration of their human rights and mainstreaming of the gender perspective. It had established a Ministry of Community Development, and of Women's and Children's Affairs for that purpose. A growing number of women had been appointed to senior posts in the Government, judiciary and administration. Her Government was convinced that no meaningful development for women and the nation as a whole could be fully achieved as long as violations and abuses continued.

28. Ms. AL-SHAMI (Observer for Yemen) said that the Yemeni Constitution emphasized equality between men and women and prohibited any kind of discrimination. Among the many activities undertaken to enhance women's position in society, the conference on women held in March 1997 had been of particular importance since it had developed a national strategy to that end. The second five-year plan aimed at increasing women's participation in the labour force from 21 to 25 per cent, reducing female illiteracy to 60 per cent, and increasing access to basic education for girls to 64 per cent. A woman had been recently appointed Minister of State for Human Rights, and women occupied ambassadorial and other prominent posts, including in the legal profession. Their participation in the 1997 elections had reached 45 per cent as compared with 21 per cent in the 1993 elections and they had been elected to Parliament and to municipal bodies. A High Council for Women's Affairs had been established in the preceding year, and related special departments created in a number of ministries. Another recent development had been the graduation of a group of women from the police academy, access to which had been open to them for the first time. Despite the major obstacles represented for Yemeni women by some aspects of the social and cultural heritage, they had, with the assistance of the Government, some other countries and international and national organizations, made important advances, which she hoped the Commission would recognize.

29. Ms. WILLIAMS (Observer for Cyprus) said that her delegation associated itself with the statement made by the representative of the European Union, including the emphasis placed on the importance of ratifying the Convention in its Optional Protocol. Cyprus had made marked progress in recent years towards the elimination of gender asymmetries, for example in the diplomatic service, where the intake of women had risen from under 15 to over 50 per cent in the

preceding 10 years. In the educational field, Cyprus had one of the highest percentages of university graduates in the world, and more than half of them were women. Those and similar advances reflected her Government's recognition of the importance of enhancing the position of women in society.

30. Mr. NORDMANN (Observer for Switzerland) said that the promotion of a world free of fear, which had been one of the objectives of the Millennium Summit of the General Assembly, was of particular importance for women, hundreds of millions of whom were living in insecurity. Although the perpetrators of abuses were sometimes agents of the State or members of armed groups, most commonly they were members of the family, the community or the professional milieu. The reports of the Special Rapporteur on extrajudicial, summary or arbitrary executions, which drew attention to the horrific crimes committed in the name of honour, and of the Special Rapporteur on violence against women, which emphasized their particular vulnerability in situations of armed conflict, were especially valuable. With regard to the latter situations, the conviction of perpetrators of rape in time of war by the International Criminal Tribunal for the former Yugoslavia was a welcome development. It was, however, disappointing that only 1 of the 14 judges appointed to that Tribunal was a woman. His country also attached great importance to the ratification of the Rome Statute. It welcomed the measures adopted over the past year to combat trafficking in human beings and was actively supporting the programmes relating to the Balkan region. Domestic violence, including conjugal rape, was absolutely inadmissible, and direct and independent access to effective remedies should be provided by both penal and civil legislation. Violence against women was both a cause and a consequence of inequalities, which the forthcoming World Conference against Racism would provide an opportunity to redress.

31. Mr. RIMKAUNAS (Observer for Lithuania) said that his delegation associated itself with the statement by the spokesman for the European Union. At the Millennium Summit, the President of Lithuania had signed the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and the Lithuanian Parliament had adopted an equal-opportunities law and appointed an associated ombudsman, to whom the State Labour Inspectorate was required to report any violations. His country's participation in international activities relating to gender equality had included the contribution of the Lithuanian delegation to the special session of the General Assembly, where it had reaffirmed its commitments to the objectives of the Beijing Declaration and Platform for Action. More than 500 participants from various countries were expected to participate in the Second International Conference on Women and Democracy due to be held in the Lithuanian capital in June 2001.

32. Ms. LÄNGLE (Observer for Liechtenstein) said that the international community had come a long way since the adoption of the Declaration on the Elimination of Violence against Women, a subject which had been among the critical concerns of the Beijing Conference and its follow-up. The Commission had appointed a Special Rapporteur, and there had been ground-breaking developments in international law, such as the Foca judgement, by which the International Criminal Tribunal for the former Yugoslavia had condemned sexual violence as a crime against humanity. Most important of all, however, was the strong gender perspective incorporated in the Rome Statute. In spite of those advances, acts of violence, against women, including those committed by members of peacekeeping operations, persisted, the latter being particularly deplorable since they undermined the credibility of the United Nations. It was also

tragically ironic that women, who were the most frequent victims in post-conflict situations, were often only marginally involved in the mechanisms established to deal with them. Her delegation continued to believe that better representation of women in the United Nations bodies established to deal with such situations was of crucial importance.

33. Mr. LEPATAN (Observer for the Philippines) said that trafficking in women and girls, which was among the most brutal of crimes, was, as the UNDP human development report for 1999 showed, a thriving industry with an annual revenue of 7 billion dollars; some experts ranked it as the third largest source of profits for organized crime syndicates after guns and drugs, more than a million women and children being bought and sold annually, many going to Western Europe and North America. Welcome developments against that gloomy background were the recommendations by the Special Rapporteur on violence against women, and the high priority given by the High Commissioner for Human Rights to the problem of trafficking. The High Commissioner might also consider the creation of an appropriate mechanism to coordinate action within the United Nations system on the trafficking problem, the need for which was noted by the Secretary-General in his report to the General Assembly. In welcoming the Convention against Transnational Organized Crime and its Protocol to prevent, suppress and punish trafficking in persons, especially women and children, his delegation believed that it was necessary to keep in mind the human rights dimension of the problem, as well as its economic and developmental prospects. As in previous years, his delegation intended to submit a draft resolution on those matters, and was confident that it would receive the customary support of members of the Commission.

34. Mr. Mendonça e Moura (Portugal), Vice-Chairperson, took the chair.

35. Ms. COTTINGHAM (World Health Organization) said that failure to achieve full reproductive and sexual health, which were central to women's rights, accounted for 22 per cent of their health impairment in comparison with only 3 per cent for men. Each year, more than 500,000 women died of pregnancy-related causes, and countless more suffered long-term disability, both of which could be prevented by timely care from qualified health personnel. WHO was cooperating with countries to develop improved policies and practices, which should include the dissemination of information on the prevention of unwanted pregnancies, together with the adoption of legislative measures. Women and girls were particularly vulnerable to sexually transmitted infections, including HIV/AIDS, one cause of which was financial and emotional dependence on males. Crucial importance attached to sex-disaggregated data, and a general analysis to throw light on such discrepancies as the three to six times higher infection rates of adolescent girls in Africa than of boys of the same age.

36. Violence against women also continued to be a major public health and human rights concern. Rape and domestic violence accounted for an estimated 5 to 16 per cent of healthy years of life lost by women of reproductive age, and the proportion of women suffering violence at the hands of a partner ranged from 10 to more than 50 per cent. WHO was supporting the collection of comparative data from a variety of countries on the incidence of such violence, the related health risks and protective factors.

37. Mr. OYARCE (Chile) said that his Government, recognizing women's contribution to economic, political and social development, to which integration of the rights of women and the gender perspective were of central importance, had established an Equal Opportunities Council of Ministers. Measures were also being taken to strengthen cooperation between State bodies, with provision for civil society participation, on such matters as adolescent sexuality, the prevention of premature conception, family violence, the treatment of victims and the improvement of working and economic conditions for women. The Chilean parliament was also discussing ratification of the Optional Protocol to the Convention for the Elimination of All Forms of Discrimination against Women. While welcoming the report on integration of the human rights of women (E/CN.4/2001/71), his delegation considered that the recommendations in paragraphs 60-62 necessitated an updating of the guidelines in the report of the expert group meeting (E/CN.4/1996/105, para. 71) in order to identify areas needing increased commitment on the part of States. His delegation, jointly with Canada, would submit a draft resolution on integration, which it hoped the Commission would adopt by consensus. The Commission had a key role to play in the creation of a world with a human face, and the World Conference against Racism would provide an excellent opportunity to devise activities which would help to overcome the multiple forms of discrimination suffered by women and girls.

38. Ms. CEK (Observer for Croatia) said that, as a country still dealing with the consequences of war, Croatia fully understood the gravity of the problem of violence against women during times of armed conflict. International recognition that the rape and humiliation of women were crimes against humanity had in fact been anticipated by a measure to that effect introduced into Croatian criminal legislation in 1997. Her delegation accordingly welcomed the judgements of the International Tribunals for the former Yugoslavia and for Rwanda, and the corresponding definition of rape and gender-based violence in the Rome Statute. Related problems, recognized by the Special Rapporteur on violence against women, were those faced by refugee and displaced women, who, with children, made up the majority of displaced populations and were exposed to increasing economic exploitation, social exclusion and political marginalization, linked in some cases with prostitution and trafficking. Although handicapped by lack of financial resources and infrastructure, her Government was currently drafting a new national programme to succeed its 1997 national plan of action for gender equality. Its objectives included improved information on the ICC and ICTY, supplementary education on mines and other explosive devices, assistance to refugee, displaced and returnee women, facilitation of their social reintegration and other information relating to situations in which they were vulnerable. Her delegation was encouraged by the recommendation of similar measures in the Special Rapporteur's report.

39. Mr. ABU KASHAWA (Observer for Sudan) said that the revision of national legislation and the Constitution, initiated in 1992, had done much to improve the legal status of women in his country and promote the integration of their rights. Article 21 of the Constitution proscribed discrimination on grounds of race, sex or religious belief, and article 15 decreed the emancipation of women from injustice in all aspects of life and encouraged their role in family and public life. A 1937 Citizens Act had been superseded by article 22 of the Constitution, which stated that all persons born of a Sudanese mother or father would have an inalienable right to Sudanese nationality. Such legal changes were, however, not in themselves sufficient, and equal pay, paid maternity leave, and equal retirement and social benefits were integral parts of working conditions for women. Increasing numbers of women

were participating in law-making and judicial bodies: there were eight female judges in the Supreme Court and the Legal Adviser to the President was a woman. In the educational field, not only was the rate of increase of girls' schools greater than that for boys' schools, the enrolment for the two sexes in the year 2000 being equal, but there had been a steady increase in female enrolment in higher educational institutions. In the political sphere, 35 women had been elected to the Sudanese Assembly in the December 2000 national elections, and a minimum quota of 25 per cent female representation was guaranteed at state and national levels through indirect suffrage. Women were actively participating in civil society organizations, including NGOs covering a wide span of professional fields. His Government looked forward to establishing full enjoyment of civil, economic, social and cultural rights for all Sudanese women.

40. Ms. MACHADO (Observer for Angola) said that her Government's national strategy for the promotion of equality and acceleration of participation of women in posts of responsibility was based on the relevant international declarations and conventions. It was currently implementing a US$ 1 million United Nations micro-credit programme financed from its own resources, and appealed to the donor community, bearing in mind Angola's problems and its huge territory, to complement those efforts. In accordance with international recommendations, her Government had established an intersectoral commission to combat extreme poverty as a step towards attainment of the international objective of a 50 per cent reduction in its incidence by the year 2015. Progress had also been made towards the increased representation of women in parliament, the Government and political posts: there were at present four women ministers and six vice-ministers, and 30 per cent of members of parliament were women. Efforts were being made to combat violence against women through the expansion of public information and education programmes, and various reproductive health programmes and educational programmes on HIV/AIDS were being carried out. It was, however, a regrettable fact that rape and systematic violations of women's rights were still being perpetrated in areas occupied by the bellicose UNITA group. She appealed to the international community to support the efforts of her Government to achieve lasting peace in the country.

41. Ms. RUCI (Observer for Albania) said that her country had participated in all United Nations activities arising out of the Beijing Conference and related subsequent meetings. It had adopted an action programme for Albanian women, and was currently preparing a report to the Committee on the Elimination of Discrimination against Women on its implementation of the Convention, which had been ratified by Albania in 1994. More than 100 NGOs concerned with women's issues were active throughout the country, and efforts were being made to increase women's participation in decision-making mechanisms. In the local elections of 2000, the number of women at the head of municipal administrations had increased from 3 to 11, and in Tirana, where one third of the national population lived, women members of such administrations accounted for 55 per cent of the total number. Thanks to the high level of education available to Albanian women, it was confidently expected that the number of female members of parliament, which at present stood at 11 per cent, would substantially increase. The measures taken by her Government against trafficking in women and children included prevention by raising public awareness, stronger law enforcement - including improved police training, more stringent legislation on trafficking and prostitution, assistance to and protection of

victims, and job creation in the poorest areas of the country through pilot projects with unemployed girls and young women. Rich Western countries were, however, a major source of demand for trafficking and should take active measures against the crime, inter alia, by raising the social awareness of their populations.

42. Ms. ANANICH (Observer for Belarus) said that, under the Belarusian Constitution, the principle of equality before the law was established irrespective of gender. The Constitution also guaranteed the equal access of women to education, vocational training, work and promotion in the social, political, cultural and other spheres and in respect of working rights and of health. The Labour Code contained special provisions prohibiting the use of women in particularly arduous or dangerous work, and contained specific requirements for the protection of women's health in order to create favourable conditions for the development of family life. The Code also prohibited night and overtime work, work on national holidays and rest days and business trips by pregnant women and women with children under three. There were many privileges offered to women engaged in bringing up children that could be extended to fathers and other relatives. All those measures ensured true gender equality by making it possible for women of working age to pursue careers, while at the same time strengthening family ties and improving women's position in the family and in society.

43. Women were in a majority in Belarus and not only represented a major part of the labour force but also made an invaluable contribution to the education of children and the preservation of the spiritual and moral basis of society. The Government had prepared a national plan of action to enhance the position of women, and related institutional infrastructure had been established. The Government was working in partnership with social bodies and women's movements, and cooperating with UNDP, UNICEF and UNIFEM. In 1998, crisis centres had been established for women exposed to sexual or family violence, and confidential hotlines were available to provide psychological help to women in cases of need. The Government was also carrying out programmes in support of women's business activities, single mothers, mothers with disabled children and other socially deprived women. Work was also proceeding on educational campaigns to increase understanding of women's problems.

44. Mr. SFEIR-YOUNIS (World Bank) said that violence against women had come to be recognized not only as a violation of basic human rights, but also as a major constraint on sustainable development. The Bank had, in 1993, estimated that violence against women was responsible for as much death and incapacity as cancer, and was a cause of more ill-health than traffic accidents and malaria combined. He would give some examples of Bank lending to combat those evils.

45. They included support for: the Lithuanian social policy and community services development project; the judicial reform project in Ecuador, which included a programme for law and justice supported by a small grant to NGOs; the women and justice pilot project in Argentina; and the adoption of a law banning female genital mutilation in Senegal. The Bank had also entered into a partnership with the national commission on women's affairs in Thailand

in carrying out a joint study; in Bangladesh it was working with women's organizations and NGOs to develop a participatory study on gender-violence, together with a number of United Nations bodies; and it was carrying out a women's rights campaign in Ecuador, and was sponsoring with UNIFEM an electronic virtual working group entitled "End Violence", to which there had been more than 1,000 subscribers.

46. Among the impediments to development resulting from the curtailment of women's rights was a lack of independent rights to own land, manage property, conduct businesses or even travel without their husbands' consent. They had limited access to financial resources and fewer opportunities to generate income, whether by independent activities or in paid employment. Experience had, moreover, shown that more equal participation by women was associated with cleaner business and government practices and better governance. The Bank's strategy was to focus on reforming institutions aimed at establishing equal rights and opportunities for women; to foster economic development as a means of strengthening incentives for more equal participation; to take active policy measures in order to redress persistent gender disparities; to sharpen policy through gender analysis; and to broaden its partnerships with all stakeholders. Women's participation brought social coherence at all levels, and gender equality implied a major shift in empowerment and a profound transformation of existing forms of governance.

47. Mr. CHOL (Observer for the Democratic Peoples' Republic of Korea) agreed that violence against women, including rape, should be regarded as a barbaric practice. His delegation welcomed the report of the Special Rapporteur (E/CN.4/2001/73), which referred to the continued impunity of those who had put into effect Japan's system of military slavery during the Second World War. Although the massive anti-United States protest that had followed the sexual abuse of a 14-year-old girl in Okinawa by a United States soldier reflected Japanese intolerance of violence against women of their own ethnic origin, Japan was striving to avoid responsibility for the crimes it had committed against women of another nation when it had forced over 200,000 Korean women to serve the Japanese imperial army as sexual slaves. That outrage continued to arouse burning indignation among the Korean people, particularly its younger generation. A number of other countries which had committed similar grave crimes in the past century, including Nazi Germany, had entered the twenty-first century having purged or still purging their guilt. Japan, on the contrary, was openly justifying its criminal past through a cosmetic presentation of its aggressions and atrocities in the school textbooks, a reflection of its unchanged ambition to dominate and invade other nations. Unless precautions were taken by the international community, there could be no certainty that irreparable damage would not be caused to countries in Asia and beyond.

48. Japan's claim to permanent membership of the Security Council was in defiance of its inescapable obligation to rid itself of the stigma of an "enemy State" listed in the United Nations Charter. His delegation once again urged the Commission to establish, within the framework of its efforts to promote the equality and dignity of women, an effective institutional mechanism to investigate exhaustively past and current violations of women's rights, identify and punish those responsible, and provide acceptable compensation to victims.

49. Mr. KHORRAM (Observer for the Islamic Republic of Iran) said that violence against women, which prevailed in different forms and at different levels in a wide spectrum of human societies, was a formidable obstacle to their full participation in the social life of their countries and in the development process. He called for effective government action in cooperation with civil society, including NGOs. Violence against women was an expression of social malaise and a product of poverty of culture; it called for a more sophisticated understanding of the different status of women in various societies, without which it could not be fully addressed in its social, political and economic dimensions. The advancement of women's rights and enhancement of their participation in every aspect of life was a matter of paramount importance to his country. His Government had established a national committee on that question at the Women's Participation Centre, which had developed a plan of action to counter violence against women, especially domestic violence and within that overall framework a wide range of legal and cultural activities had been undertaken. President Khatami had recognized the need for a credible assessment of traditional views in his statement in the General Assembly to the effect that the traditional outlook, based on the erroneous notion of the superiority of men over women, did injustice to men, women and humanity as a whole, and that comprehensive and sustainable development was only possible through the active participation of both men and women in social life.

50. Mr. HARAGUCHI (Japan) speaking in exercise of the right of reply, said, with reference to the statement by the representative of the Republic of Korea, that his Government's view concerning Japan's actions in the Second World War had been clearly expressed by the Prime Minister in August 1995, when he had said: "Japan caused tremendous damage and suffering to the people of many countries, particularly Asian nations. In the hope that no such mistake will be made in the future, I regard, in a spirit of humility, these as irrefutable facts of history, and express once again my feelings of deep remorse and state my heartfelt apology. Allow me to express my feelings of profound mourning for all victims from both at home and abroad of that history." That was the official position of the Japanese Government, which remained unchanged to the present day.

51. Without entering once again into Japan's legal position, he wished to emphasize that his Government had expressed profound and sincere remorse and apologies over the issue of "wartime comfort women" as well. It had closely cooperated with, and fully supported the activities of, the Asian Women's Fund and would continue to seek the understanding of the authorities and people of the countries and territories concerned.

52. Under the Japanese textbook authorization system, authors were free to decide which historical events to include, and how to describe them, so long as they did so in accordance with the general curriculum guidelines laid down by the Government specifically for teachers and made public whenever issued. Under that system, the Government was not the author of the textbook and was not in a position to demand or force the author to touch upon specific historical events. Schools had a wide variety of books to choose from, and the choice lay with them. It was his understanding that the authorization was being carried out impartially, and was done in accordance with the spirit of the 1998 Joint Declaration on a New Japan-Korea Partnership, being carried forward into the twenty-first century.

53. Mr. CHUNG (Republic of Korea), speaking in exercise of the right of reply, said that various United Nations mechanisms had addressed the criminal aspect of the "comfort women" issue over recent years, reflecting the international community's serious concern about such inhuman crimes. At its forty-second session in 1998, the Commission on the Status of Women, attended by a Japanese delegation, had decided that "sexual slavery in armed conflict constituted a war crime", and that the Beijing Declaration had called for the eradication of such crimes. In addition, the Special Rapporteur on violence against women and the Special Rapporteur on systematic rape, sexual slavery and slavery-like practices had in 1996 and 1998 respectively submitted reports on the "comfort women", both recommending clearly and strongly that the Japanese Government should accept legal responsibility and responsibility for payment of compensation. Most of the surviving "comfort women" were of advanced age, which made action a matter of urgency. The victims had repeatedly expressed their resentment at the Japanese Government's failure to address that issue with sincerity. Since most victims had resolutely refused to receive compensation from the so-called "Asian Women's Fund", which was a voluntary fund, assistance from that source could not be a just and acceptable solution.

54. Mr. HARAGUCHI (Japan), speaking in exercise of the right of reply, said that he had already explained his Government's feelings and its assumption of moral responsibility, and had referred to its cooperation with the Asian Women's Fund. Since, however, the representative of the Republic of Korea had raised the issue of compensation, he was obliged to elaborate on his Government's position, which was that the issues had been fully and completely settled by legal instruments between Japan and the relevant parties, including the Republic of Korea. Japan had sincerely fulfilled its obligations in accordance with the San Francisco Peace Treaty, bilateral treaties and other relevant international agreements.

55. Mr. YONG HO (Observer for the Democratic People's Republic of Korea), speaking in exercise of the right of reply, said it was well known that Japan had committed crimes against humanity by drafting 200,000 Korean women as sexual slaves of the Japanese military, killing more than 1 million people, and using more than 6 million youths and adults as forced labourers during its colonial rule. There had, however, been no official sincere apology or State compensation for the victims, no punishment of perpetrators, no acknowledgement of the crimes, and no recognition of legal responsibility. The Special Rapporteur had referred in her report to the continuing impunity for such crimes against humanity as the systematic sexual slavery practised by Japan, which thus contributed to an environment of toleration of impunity for violence against women.

56. Regarding the Asian Women's Fund, not only the victims but the international community had rejected it as a deceitful device on the part of Japan. Recently, the ILO expert committee on the application of conventions and recommendations had stated in the report submitted to the eighty-ninth ILO Conference that the Fund could not be regarded as a solution for the compensation of victims, and had urged the Japanese Government to compensate them. Instead of endeavouring to hoodwink the international community, Japan should accept its legal responsibility for past crimes and apologize immediately.

57. Mr. CHUNG (Republic of Korea), speaking in exercise of the right of reply in connection with the Japanese representative's statement concerning compensation, drew the Commission's attention to the report of the Special Rapporteur on systematic rape, sexual slavery and slavery-like practices during armed conflict to the Sub-Commission. In that report she had stated that the Asian Women's Fund did not meet the responsibility of the Government of Japan to provide legal compensation for individual women who had been victims of the "comfort women" tragedy, since atonement money from that Fund was not intended as acknowledgement by the Japanese Government of legal responsibility for crimes committed during the Second World War.

The meeting rose at 9.05 p.m.

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Forty-seventh session

SUMMARY RECORD OF THE 47th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 10 April 2001, at 10 a.m.

Chairperson: Mr. DESPOUY (Argentina)
later: Ms. FILIP (Vice-Chairperson) (Romania)
later: Mr. DESPOUY (Chairperson) (Argentina)

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(a) VIOLENCE AGAINST WOMEN (*continued*)

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ENG

The meeting was called to order at 10.20 a. m.

STATEMENT BY MR. BORIS TRAJKOVSKI, PRESIDENT OF THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

1. Mr. TRAJKOVSKI (The former Yugoslav Republic of Macedonia) said that he was honoured to address such a significant political body as the Commission on Human Rights. For decades, the Commission had been working towards global democratic development as a precondition for achieving acceptance of the basic principles contained in the Universal Declaration of Human Rights. Unfortunately, those principles were far from being a global reality.

2. In 2001, the Commission had chosen to place special emphasis on the fight against racism and all forms of intolerance. The fight against those phenomena, which destroyed the very foundations of democratic societies, should be uncompromising and constant. In that regard, the international community had to fulfil the expectations raised by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance that would be held in South Africa.

3. The former Yugoslav Republic of Macedonia, which had made the prohibition of discrimination a constitutional principle, had resolutely combated racism and intolerance in its territory. Thus, as a result of affirmative-action measures, Macedonians of Albanian extraction, who had held relatively few posts in the Macedonian civil service after the dissolution of the former Yugoslavia, were currently well represented in the State administration, the judiciary and universities. The parties that represented Macedonian Albanians participated actively in the country's political life. In educational establishments, persons belonging to minorities could receive instruction in their mother tongue. Pursuant to the Higher Education Act, which had been adopted several months earlier, a university would soon be opened in Tetovo, where teaching would be conducted in Albanian, Macedonian and English. In municipalities where persons belonging to minorities constituted a majority, bilingualism, and even trilingualism, were in official use. Moreover, the Government had recently adopted a law on local self-government, which significantly increased the jurisdiction of local authorities. Finally, State television broadcast programmes in minority languages, particularly Albanian, and a third national television channel would soon broadcast programmes exclusively in the languages of the minorities.

4. The former Yugoslav Republic of Macedonia was currently faced with the most radical form of racism—militant racism—which was manifested by the terrorist activities of armed extremists. He stressed that the crisis was of an external nature, since it was a direct "export" from Kosovo. Unfortunately, it reflected the international community's inability to take decisive measures to oppose the malignant concept of "ethnically clean territories", which was completely anti-democratic and could only spread hatred and threaten regional stability.

5. By jeopardizing the territorial integrity of The former Republic of Macedonia, the armed Albanian extremists had shown their true face and had consolidated the fight against them. the basic goal of the armed extremists was to destroy the system of multicultural democracy that had been functioning for a decade in The former Yugoslav Republic of Macedonia, a democracy that was founded on the concept of an open civil society, equal rights for all citizens, regardless of their culture or ethnic origin, and tolerance for individual cultural differences. Such a society implied a high level of integration and mutual tolerance and clearly had nothing to do with the racist dogma of "ethnically clean territories". Such a society was completely in accordance with the will of most Macedonian citizens of Albanian ethnic origin, who had, through their political representatives, condemned the terrorists. That reaction clearly showed that the conflict in The former Yugoslav Republic of Macedonia was not an ethnic conflict but a conflict of concepts.

6. In response to the greatest challenge that it had ever faced, The former Yugoslav Republic of Macedonia had reacted with determination to protect its territorial integrity and security while respecting the principle of proportionality. Consequently, The former Yugoslav Republic of Macedonia had received the unreserved support of the international community, including support from the authorities in Tirana, which had condemned the terrorist attacks against The former Yugoslav Republic of Macedonia and had reaffirmed their ties of friendship with the latter as well as their desire to respect democratic values.

7. The armed extremists, who were governed by racist ideology and who needed instability for their criminal activities, particularly trafficking in drugs and women, had miscalculated. They had forgotten that the Macedonian Albanians were present in all segments of the Government and Parliament and that there was no declared conflict between Macedonians and Albanians. They had therefore been wrong in thinking that Macedonian citizens of Albanian origin would immediately identify with their "fighters for freedom" and realize their aspirations for a "Greater Albania".

8. The international community was aware of those facts. That was why he called upon all relevant entities to implement, consistently and as a matter of urgency, Security Council resolutions 1244 (1999) and 1345 (2001) with a view to stabilizing the region. KFOR and the United Nations Interim Administration Mission in Kosovo (UNMIK) should strictly control the northern border of The former Yugoslav Republic of Macedonia with Kosovo in order to prevent extremists from infiltrating into Macedonian territory; the population in Kosovo should be disarmed; the terrorists and armed extremists and the political leaders who supported them should be punished immediately; and, finally, there should be overall support for all sectors of civil society that supported tolerance and democratic values.

9. The former Yugoslav Republic of Macedonia would fight to maintain its stability and preserve its territorial integrity, while intensifying the dialogue and enhancing relations among all ethnic groups. That would ensure long-term stability and promote democratic values, a market economy and respect for the rule of law and for the rights of the individuals and minorities that were part of Macedonian society. In that spirit, on 9 April 2001, The former Yugoslav Republic of Macedonia had signed a stabilization and association agreement with the European Union.

STATEMENT BY MR. VICTOR HUGO GODOY, SECRETARY OF STATE OF GUATEMALA FOR HUMAN RIGHTS

10. Mr. GODOY (Guatemala) said that, while his Government considered it unacceptable to invoke national sovereignty and non-interference in internal affairs for justifying human rights violations, he shared the concern of certain States with regard to the often selective approach to the analysis of country situations. The strengthening of the role of the Office of the United Nations High Commissioner for Human Rights and the preparation by the Office of a report on the human rights situation in all countries that could serve as a basis for identifying, with the aid of objective criteria, particularly serious cases that required specific action on the part of the international community, could address that concern. It would, however, be unacceptable to discontinue, for fear of politicizing the work of the Commission, consideration of cases of serious and systematic human rights violations. States should not fear human rights protection mechanisms but should consider them, first and foremost, as cooperation mechanisms.

11. Guatemala had benefited from such cooperation, both within the United Nations and as part of the Inter-American System, which had enabled it to make considerable progress and continue its efforts to consolidate peace and strengthen democracy. Nevertheless, Guatemala was still experiencing problems in the field of human rights protection, essentially because of its weak

institutional infrastructure and the difficulties it had encountered in re-establishing democratic institutions after 36 years of domestic armed conflict.

12. Guatemala highly appreciated the mechanisms proposed by the Commission on Human Rights and was prepared to receive, at any time, all the thematic rapporteurs. In that regard, he wished to point out that the recommendations that the Special Rapporteur on the independence of judges and lawyers had made following his visit to Guatemala in 1999 had been implemented. Two magistrates of the Supreme Court of Justice and its secretary-general had recently spoken with the Special Rapporteur to inform him of the progress that had been made in reforming the judiciary, several weeks before the Special Rapporteur's follow-up visit to Guatemala at that country's request. Moreover, the Government had publicly recognized the State's responsibility for the sufferings inflicted on the population and the violations that had been committed, particularly during the armed conflict. It had also expressed its political will to reach private agreements with claimants and the families of victims in many cases currently being considered by the Inter-American Commission on Human Rights, with which the President of the Republic had signed an agreement in August 2000.

13. The current Government had ratified the Inter-American Convention on Forced Disappearance of Persons and the Optional Protocol to the International Covenant on Civil and Political Rights. It had signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and the two Optional Protocols to the Convention on the Rights of the Child. It was also about to sign the Rome Statute of the International Criminal Court.

14. Guatemala wished to consolidate the rule of law and the independence of powers, as had been demonstrated by the attitude of the Supreme Court of Justice, which had supported proceedings against a number of deputies, including the President and members of the office of the Congress of the Republic, and by the Constitutional Tribunal's repeal of a reform voted by Parliament to prevent such proceedings. The transition from an authoritarian State to a democratic State could not be achieved in a day or without a certain degree of backsliding, as was evident from the recent series of lynchings. In the face of such phenomena from another age, the State had not remained passive.

15. Guatemala had requested the Office of the United Nations High Commissioner for Human Rights to resume the assistance project in Guatemala and to include in it the function of verification, since the United Nations Verification Mission in Guatemala (MINUGUA) had cut back its staff and resources. He reiterated the invitation that had been made to the High Commissioner in 1998 to establish a regional office in Guatemala.

16. Guatemala welcomed the Secretary-General's appointment of Ms. Jilani as Special Representative on the situation of human rights defenders in all regions of the world, and intended to continue to cooperate closely with her.

17. Within the Group of Latin American and Caribbean States, and in cooperation with other States, Guatemala was seeking to establish an open-ended intersessional working group to begin preliminary work for the adoption of an international convention for the protection of all persons from forced disappearance. The international community should fill the gap in international law with respect to a phenomenon that occurred in all regions of the world and which constituted a violation of a number of fundamental rights.

18. As a multi-ethnic, multicultural and multilingual country, Guatemala wished to contribute to the promotion and protection of indigenous peoples at the international level, as it did at the national level within the framework of peace agreements. The recognition of the identity and rights

of such peoples, including their right to self-determination, was one of the Commission's basic tasks. Guatemala welcomed the project on the creation of a permanent forum for indigenous peoples and hoped that it would be established soon. Guatemala was prepared to assist the Office of the High Commissioner for Human Rights in carrying out the tasks assigned to it by the Secretary-General to achieve that objective.

19. Together with Mexico, Guatemala requested the Commission to appoint a special rapporteur on the protection of the rights of indigenous peoples. Neither the theoretical discussions in the Working Group on the Draft Declaration on the Rights of Indigenous Peoples nor the establishment of a permanent forum would make up for the absence within the Commission of a mechanism that guaranteed the rights and freedoms of those peoples.

20. He urged all delegations to attach a high degree of priority to the negotiations in progress in the Working Group on the Draft Optional Protocol to the Convention against Torture so that the protocol could be adopted by the Commission at its fifty-eighth session.

21. Guatemala considered the right to development as a collective right that implied duties and obligations: obligations of the State to its population and obligations among States.

22. Moreover, Guatemala would continue to work for the success of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which would be held in Durban, South Africa, in September 2001. He hoped that the Conference would make it possible to draft a plan of action that could help to eliminate those scourges. In order to achieve that objective, it was necessary, as the High Commissioner had pointed out, to take account of the deep wounds that had been inherited from the past. The recognition of historic responsibilities, including those relating to the colonial past, called for measures to promote reconciliation and the building of a better future for humankind as a whole.

23. Finally, all countries must continue to cooperate to put an end to the many human rights violations that, unfortunately, continued to occur throughout the world, and they should spare no effort to find peaceful and negotiated solutions to domestic conflicts and conflicts between States, which often gave rise to such violations.

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE

(a) VIOLENCE AGAINST WOMEN (agenda item 12) (*continued*) (E/CN.4/2001/3, 6, 70-72, 73 and Add.1 and 2 and 126; E/CN.4/2001/NGO/24, 25, 32, 37, 46, 56, 72, 77, 95, 113, 127, 151 and 169; E/CN.4/Sub.2/2000/17, 18 and 21)

24. Ms. PONCINI (International Federation of University Women) took the floor on behalf of the International Federation of University Women and 14 other non-governmental organizations, and as president of the NGO Committee on the Status of Women and coordinator of the Women/Gender/Children's Caucus.

25. In its resolution 2000/46, the Commission on Human Rights underscored the need to integrate women's human rights and women's issues into all the agenda items of the Commission. In that regard, in his excellent 1996 report on extreme poverty (E/CN.4/Sub.2/1996/13), Mr. Leandro Despouy had highlighted the pragmatic aspects pertaining to the feminization of poverty. Regrettably, the Commission had not followed that example in its annotated agenda. She requested that the gender perspective should be specifically mentioned in all the items on the Commission's agenda for 2002. In addition to their legal importance, resolutions also had a pedagogical value. Resolutions that took account of women's fundamental rights had a very significant psychological

effect on both women and men. She noted with satisfaction that many special rapporteurs and independent experts were increasingly mainstreaming gender.

26. With regard to agenda item 6, which dealt with racism and discrimination, she recalled the many forms of discrimination to which women were subjected. The double disadvantage of women's care-giving and child-rearing roles made them vulnerable to exploitation and discrimination in the labour market. Women were particularly exposed to violence during armed conflicts. The many aspects of discrimination that women faced because of their race should be the subject of a detailed study, as indicated in paragraph B of the report of the Secretary-General to the Commission on the Status of Women (E/CN.6/2001/19).

27. Women's equality was also linked to the right to development, which the Commission would consider under agenda item 7. The implementation of that right implied non-discrimination, poverty reduction and self-realization. That meant that women must have access to capital and be empowered to take action. In that area as well, women were victims of discrimination to the extent that the "race to the bottom" brought about by globalization tended to confine them in lower-skilled jobs. It was not enough to grant women microcredit. They must be allowed to create enterprises, which entailed the right to own property. That was why she and the organizations that she represented supported the resolution sponsored by the Government of Mexico on that subject; they also requested the Special Rapporteur on adequate housing to undertake an empirical study of women's access to land and housing.

28. When it considered agenda item 10, which dealt with economic, social and cultural rights, the Commission should address the various forms of discrimination faced by women in the areas of access to education, information technologies, intellectual property and electronic commerce, and in the areas of health and food.

29. With regard to agenda item 11, which dealt with civil and political rights, it was necessary to emphasize the importance of women's access to decision-making in government bodies. At the international level, the Security Council in its resolution 1325 (2000) recognized the critical role of women in peace negotiations.

30. Women's rights should also be mentioned with regard to agenda item 14, which concerned specific groups and individuals and, therefore, women migrant workers and minorities, displaced women or women refugees, and so on.

31. When the Commission took up agenda items 18 and 19, it should take into account the absence of certain data, including the lack of data on the unpaid work of women.

32. The non-governmental organizations that she represented believed that the Commission on the Status of Women had a fundamental role to play in implementing Commission on Human Rights resolution 2000/46, and they hoped that the dialogue between the Commission on the Status of Women and the Commission on Human Rights would continue on a regular basis, through the participation of the chairpersons of the two Commissions in their respective sessions. Only perseverance would lead to the incorporation of women's issues into all United Nations bodies. That was the goal of the NGO Committee on the Status of Women.

33. Ms. TANAKA (International Movement against All Forms of Discrimination and Racism and Anti-Slavery International) said that the General Assembly had recently adopted an additional protocol to the United Nations Convention against Transnational Organized Crime—the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The Protocol, which had already been signed by 84 States, contained a clear definition of what

constituted trafficking but, since the Protocol had not been prepared by the Commission on Human Rights, it did not place enough emphasis on the protection of the victims of such trafficking. In practice, many States continued to treat victims of trafficking as if they were the offenders. They were arrested, detained, deported and often treated as scapegoats when they returned home. Moreover, the Protocol did not establish any body to monitor the implementation of its provisions. States should therefore take a proactive approach to protect the rights of victims of trafficking. In the opinion of the two non-governmental organizations that she represented, the special rapporteurs of the Commission should not be the only ones to draw attention to those issues; a special rapporteur should be appointed, by the Commission or by the General Assembly, to gather information on the subject. The Office of the United Nations High Commissioner for Human Rights should prepare guidelines on specific ways in which States could ensure the protection of victims of trafficking. In the meantime, States should not only prevent the prosecution of trafficked persons for the illegality of their entry or residence or for their activities but should also grant them temporary or permanent residence permits and offer them the possibility of obtaining compensation for the damage suffered. States should also appoint national focal points to gather information on trafficking and prepare national plans against trafficking.

34. Ms. IZZAH ANVAR (Asian Cultural Forum on Development) denounced the oppression of supporters of the reform movement in Malaysia, which included her father, Anwar Ibrahim, the former Deputy Prime Minister of Malaysia. Women who asserted their right to participate in public affairs and who took a public stand against corruption and worked for human rights and democracy had also become a target of the public authorities. For example, Mrs. Marina Abdullah had been arrested with two other women while participating in a peaceful demonstration for detainees in Kuala Lumpur. During a rally held on 5 November 2000, the police had arrested Umi Jimainah, 17 years old, with her mother and another woman, Mrs. Norazimah Mohd Nor, 25 years old and mother of four children. That woman had been sexually abused and tortured while in detention. The police had also threatened the safety of her husband and children. At the same rally, the speaker's mother had been saved by the President of the National Justice Party, and had had to be hospitalized after being exposed to tear gas. All the members of the speaker's family had become the target of media attacks, which sought to damage their reputation. Even as she addressed the Commission, the speaker was aware that her exposé on the situation in Malaysia might lead to increased penalties for her father, who was at the mercy of the authorities. The Malaysian authorities were already denying her father the treatment that he needed and were making it difficult for him to meet with lawyers and family members.

35. She shared the fate of many women in Malaysia, who had been told by the Government in no uncertain terms that they should fear for the security of their family if they refused to give in and continued to demand their rights. The Malaysian authorities considered those rights as privileges and rewards that they alone could bestow or take away. Her grandmother had recently passed away, a heart-broken woman. She appealed to the members of the Commission to do what they could to prevent anyone else from suffering in such a way.

36. The CHAIRPERSON informed the Commission of the presence of Her Royal Highness Princess Mathilde of Belgium, whom he commended for her activities in favour of children and vulnerable persons.

37. Ms. WESCHLER (Human Rights Watch) said that she was deeply concerned at the failure of States to end impunity for so-called "honour" crimes. Such impunity had terrible consequences. For example, a woman who sought a divorce from an abusive husband had no other choice than to stay in the marriage or risk being killed. Honour crimes were not specific to any religion, nor were they limited to any one region of the world. Human Rights Watch had worked on that issue in the Americas, Asia, the Middle East and North Africa. Although there was increased awareness of the

issue, States remained reluctant to take the necessary steps to end impunity for honour killings. For example, although the Supreme Court of Brazil had in 1991 struck down "defence of honour" as a justification for the murder of a wife, courts still failed to prosecute and convict men who claimed that they had murdered their wives because of their alleged infidelity. In Jordan, if a woman sought protection from the police because she feared that her family wanted to kill her, she would be held in indefinite detention in a local prison. It was impossible for the woman to leave the prison even though she had committed no crime. Ironically, the woman could be released only into the custody of a family member.

38. States were bound to protect women from honour crimes, which were a flagrant violation of their rights. Nonetheless, in some countries, those crimes were either condoned through government inaction or defended as legitimate cultural practices. Such crimes were not investigated by the police, and their perpetrators were never prosecuted. In rare cases, where a man was prosecuted for such a crime, it was the woman's behaviour that became the focus of the trial, not the culpability of the defendant. In the even rarer case that a man was found guilty, the man's claim that it was a crime committed to restore family honour was considered as an extenuating circumstance.

39. Human Rights Watch called on the Commission to condemn all forms of violence against women and to reject all attempts by States to justify any acts of violence. The appropriate special mechanisms should show how pervasive discrimination against women created a climate in which violence against women flourished. It was the responsibility of States to prevent violence against women and, when they failed to prevent violence, to ensure redress.

40. *Ms. FILIP (Romania), Vice-Chairperson, took the Chair.*

41. Ms. BENNINGER-BUDEL (World Organization against Torture) said that, under international law, States had a duty to exercise due diligence to prevent and punish acts of torture, whether those acts were perpetrated by the State or by private individuals. Unfortunately, inasmuch as international definitions of torture had been narrowly interpreted, all too often State inaction perpetuated or condoned torture of women.

42. Crimes against women committed in the name of honour were a gender-specific form of violence that was either approved or supported by States in many parts of the world, including Argentina, Bangladesh, Brazil, Ecuador, Egypt, Guatemala, the Islamic Republic of Iran, Jordan, the territories controlled by the Palestinian Authority, Peru, Texas (United States of America), Turkey and Venezuela. Mutilation or killing occurred when a woman allegedly stepped out of her socially prescribed role. The World Organization against Torture drew the Commission's attention to the increase in the number of reports regarding sulphuric acid attacks in Bangladesh. Every month, about 20 persons, mostly women and girls, became victims of such attacks for reasons that included refusal of an offer of marriage, dowry disputes or domestic violence. Although Bangladesh's legislation contained provisions to protect women, it seemed that the judiciary and law enforcement officials were not committed to applying them. The World Organization against Torture urged the Commission to request the Subcommission on the Promotion and Protection of Human Rights to carry out a worldwide study of honour crimes.

43. As in previous years, the World Organization against Torture was seriously concerned about the Taliban's torture of women and girls in Afghanistan. Such torture often involved beatings and flogging, as well as abduction and rape. It was particularly important for the Special Rapporteur on the situation of human rights in Afghanistan to give special attention to the human rights of women in that country.

44. In order to ensure equal protection of men and women from torture, it was imperative that the Commission should request the Committee against Torture and the Special Rapporteur on Torture to bear in mind the "gender" of the victim and the form, circumstances and consequences of torture as well as the availability of remedies and reparation. With regard to the interpretation of the definition of torture in international law, she said that much would depend on the general comment on article 1 of the Convention against Torture that the Committee against Torture should adopt at its twenty-sixth session. Finally, the World Organization against Torture commended the outstanding work of the Special Rapporteur on extrajudicial, summary or arbitrary executions and her systematic application of the gender perspective in her work. The World Organization against Torture would welcome an extension of her mandate.

45. Ms. RAS-WORK (Inter-African Committee on Traditional Practices Affecting the Health of Women and Children) said that violence against women was so systematic and universal that it had been accepted for far too long as the norm. Millions of women were subjected to battering, rape, abduction, genital mutilation, forced or early marriages and a host of other violent practices.

46. The Inter-African Committee believed that the reaction to such cruel and degrading treatment as female genital mutilation, which was widely practised throughout the world, had been too timid, particularly on the part of the Governments concerned. Although the problem called for urgent action by those working to safeguard the health and well-being of women and girls, resources, both human and material, were insufficient. She was nevertheless encouraged that a Special Rapporteur had been appointed to study the traditional practices that affected the health of women and children, even if the constraints that she faced were worrisome. The shortage of funds at her disposal had prevented her from carrying out the programme of work that she had proposed, while the planned three conferences would have enabled policy makers to evaluate the extent of the problem and agree on coordinated action. Recognizing the importance of the work of the Special Rapporteur, the Inter-African Committee urged the Commission and the Office of the United Nations High Commissioner for Human Rights to provide her with the support that she required to fulfil her mandate.

47. In its efforts to combat harmful traditional practices, the Inter-African Committee carried out activities to raise the awareness of the public, religious leaders and youth groups, and tried to convince excisers to engage in more positive skills. Finally, after consultations with legal experts, policy makers and representatives of the Organization of African Unity (OAU) and the Economic Commission for Africa (ECA), a draft convention on the elimination of all forms of harmful traditional practices affecting the fundamental rights of women and girl children had been prepared and submitted to OAU for adoption by the Assembly of Heads of State and Government. The Inter-African Committee urged the representatives of African Governments to lobby for the adoption of that instrument, which would give the international community a strong instrument to support a future campaign against such traditional practices.

48. Ms. KALIBONSO (Asian Legal Resource Centre) said that, in most Asian countries, women who were victims of violence had very few legal and institutional remedies. Owing to certain discriminatory provisions in customary law, inadequate understanding of the law, which led to the consideration of domestic violence as a private matter, malfunctioning of the legal system and the attitude of judicial authorities, such women could not benefit from adequate protection.

49. Regrettably, rape was not always recognized as a crime and its consequences for the victims were sometimes ignored. She cited a case in Sri Lanka, in which the court of appeal had overturned a rape conviction by questioning the victim's credibility. She drew the Commission's attention to the current increase of violence against women in Indonesia. Noting that the Government of Indonesia had not taken the necessary measures to combat that phenomenon and protect the victims, she requested the Commission to urge the Government of Indonesia to accelerate the

implementation of the recommendations made by the Special Rapporteur in 1999 as well as the legal reform process, particularly by amending the Criminal Code and instituting a witness protection programme. The Commission should also request the Government of Indonesia to end impunity, prosecute perpetrators of human rights violations against women and involve women in the resolution of conflicts taking place in certain parts of the country, particularly Aceh and West Papua.

50. Ms. EKBERG (Coalition against Trafficking in Women) said that the non-governmental organization that she represented had participated actively, as a member of the international network of human rights organizations, in the negotiations on the Convention against Transnational Organized Crime and its two additional protocols. Those texts had been opened for signature in December 2000, and 84 countries had signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. That Protocol took into consideration the actual situation of the victims and accorded them maximum protection. It acknowledged that most trafficking in persons was for the purpose of prostitution and other forms of sexual exploitation and that such trafficking was not solely based on the use of force but also the abuse of authority or power. The consent of a victim to trafficking was irrelevant to the definition of the offence. Trafficked persons were considered only as victims and therefore had a right to protection. Moreover, for the first time in an international instrument, the men who created the demand for prostitution and sexual exploitation were mentioned. In article 9, paragraph 5, the Protocol invited States to discourage such demand.

51. While the Coalition against Trafficking in Women supported the general recommendations of the Special Rapporteur on violence against women, it was concerned about the definition of trafficking, which was based entirely on the criterion of force. Although the Special Rapporteur acknowledged the seriousness of prostitution in South Asia, she defined as criminals only those who trafficked for forced labour. In using such terms as "forced prostitution", she contradicted the principle according to which trafficked persons should be considered as victims, whether or not they had consented to trafficking. Her use of the term "sex worker", which many non-governmental organizations categorically refused to use, was also questionable.

52. The Coalition against Trafficking in Women strongly urged the Commission on Human Rights to ensure that all bilateral, subregional, regional and international instruments concerning trafficking in women and children for prostitution and sexual exploitation were consistent with the provisions of the Convention against Transnational Organized Crime and its protocols.

53. Ms. CUI Li (All-China Women's Federation) vehemently condemned the violation of women's rights by the Falun Gong sect. She recalled the terrible incident that had taken place on Tiananmen Square on 23 January 2001, when several Falun Gong members, including two members of her family, had set themselves on fire. Describing the radical changes that had occurred in her sister and niece after they had begun to follow the teachings of Li Hongzhi, she said that, like theirs, thousands of lives had been ruined. In China, some 1,700 people had committed suicide or had died by refusing to accept medical treatment as a result of their deception by Falun Gong. That was a dangerous sect which, since it trampled on the most fundamental human rights, should be solemnly denounced by the Commission on Human Rights.

54. Ms. DIOP (Femmes Africa Solidarité) welcomed Security Council resolution 1325 (2000) of 31 October 2000 and the decision adopted by OAU at the seventy-third ordinary session of the Council of Ministers in February 2001, both of which increased women's participation in the field of conflict prevention and resolution.

55. Since 1997, Femmes Africa Solidarité had provided support to women of Burundi and had facilitated their participation in the negotiation of a peace agreement. That organization had also recently supported the establishment of the Mano River Women's Peace Network. The Network, which covered Liberia, Sierra Leone and Guinea, fostered a dialogue among women of the three countries and sought to involve them in peace negotiations. Femmes Africa Solidarité was an active member of the African Women Committee on Peace and Development, which had been established jointly by OAU and ECA with a view to contributing to peace and development in Africa by enhancing the voice of African women in those processes.

56. Femmes Africa Solidarité commended the efforts of the Special Rapporteur on violence against women to link violence committed against women and situations of armed conflicts. She fully supported the Special Rapporteur's recommendations that stressed the importance of women's involvement in the promotion and maintenance of peace and security. In that regard, Femmes Africa Solidarité urged the members of the Commission to ensure that the needs, interests and experience of African women were duly taken into account in policies and programmes in order to prevent violence and the recurrence of conflicts.

57. Ms. JAMPA (International Union of Socialist Youth) said that, contrary to the claims made by the Government of China in a document published in February 2000, the human rights situation in Tibet had not improved. Reports emanating from Tibet referred to increasing discrimination and violence against women in the region.

58. Although population growth in Tibet had slowed since 1991 and was below the growth rate for the rest of the country, the region was subjected to very strict birth control policies. Such policies constituted not only a violation of the fundamental rights of Tibetan women but also endangered their lives and threatened the survival of their families. The Family Planning Department made women pay very high fines for each additional child. It also forced them to undergo contraceptive procedures that sometimes placed their lives at serious risk. Some women refused to seek any health care, fearing forced abortion or sterilization. According to a report published by the Tibetan Women's Association, the maternal mortality rate in Tibet was three times higher than in the rest of China.

59. Another alarming development was the development of prostitution, which was encouraged by the Chinese authorities. It had been estimated that there were about 1,000 brothels or establishments that employed prostitutes in Lhasa. According to certain testimonies, the police turned a blind eye to such activities, which nevertheless posed a serious risk of spreading HIV/AIDS.

60. The International Union of Socialist Youth appealed to the Special Rapporteur on violence against women to investigate the inhuman violence committed against Tibetan women and urged the Commission to adopt a resolution calling on the Chinese authorities to end coerced birth control practices in Tibet.

61. Ms. AVILA (Andean Commission of Jurists) said that the traditional concept of the role of women and their sexuality, the passivity of the authorities and social violence, among others, were at the root of many forms of discrimination and violence against women in the Andean region. In Colombia, the situation was aggravated by the armed conflict.

62. In order to eliminate violence against women, the countries of the region had established norms, implemented programmes and created specialized services. The Government of Bolivia had adopted the National Plan of Action to Eliminate Violence (2001-2006) and the Government of Ecuador had established commissions on women and the family attached to the Ministry of the Interior, which were responsible for coordinating, monitoring and evaluating policies concerning

women. In Venezuela, the National Women's Institute had established shelters for women and children who were victims of domestic violence.

63. Various factors, such as difficulty in obtaining information about women's rights, insufficiency of budgetary resources and the lack of programmes to make civil servants aware of the problem of violence against women, continued to hinder any real improvement of the situation. It was therefore essential to promote the incorporation of international standards for the protection of women's rights into national legislation and the adoption of awareness-raising programmes in order to change mentalities and behaviour. Certain countries, such as Chile and Peru, had already begun to amend their legislation with a view to toughening punishment for perpetrators of such violations and guaranteeing that punishment was carried out.

64. Ms. LOPEZ ORTIZ (Colombian Commission of Jurists) welcomed the renewal of the mandate of the Special Rapporteur on violence against women. The Special Rapporteur had contributed to a better definition of violence against women, particularly in the area of reproductive health and in the context of armed conflicts. Her reports on her missions to Rwanda, Pakistan and Afghanistan contained a number of useful lessons for all countries affected by domestic conflicts. Her analyses had provided certain Colombian non-governmental organizations with a better understanding of the situation of women who were victims of violations in the context of the armed conflict in Colombia.

65. The current situation of women in Colombia was particularly alarming. Between October 1999 and September 2000, some 363 women had lost their lives, most often as victims of extrajudiciary executions. In two thirds of the cases, law enforcement agents had been identified as the direct or indirect perpetrators of such violence. Another consequence of the conflict was that many women and girls had become forcibly displaced persons. It was estimated that women accounted for 56 per cent of Colombia's internally displaced persons. Moreover, all the armed parties to the conflict committed sexual violence against women. Given the seriousness of the situation, the Colombian Commission of Jurists believed that a visit by the Special Rapporteur to Colombia would be welcome. Such a visit would make it possible not only to inform the international community about the serious violations of women's rights being committed in Colombia but also to draft recommendations to encourage the Government to take the necessary measures to investigate such violations and punish their perpetrators.

66. *Mr. DESPOUY (Argentina), Chairperson, resumed the Chair.*

67. Mr. HARRIS (American Jewish Committee) drew the Commission's attention to the terrible fate of Afghan women, who were victims of the Taliban's grotesque interpretation of Islamic law. Under the strict surveillance of the Ministry for the Propagation of Virtue and the Prevention of Vice, women in Afghanistan were deprived of their most fundamental rights, such as the right to education, health and employment or freedom of movement, and had become little more than "silent ghosts". With conflict still raging in parts of the country, women lived in constant fear of rape or abduction by Taliban soldiers. Their situation had not improved in the past year, and the activities of humanitarian workers were made virtually impossible by the constant threat of intimidation. Unfortunately, Pakistan, Saudi Arabia and the United Arab Emirates had recognized the Taliban regime, and Pakistan had even provided indispensable assistance in keeping the Taliban in power, thus legitimizing their acts of violence. Human rights were universal and indivisible. Nothing could justify abuses against women, whether it was a question of the brutal suppression of women under Taliban rule or the horrific practice of genital mutilation that was inflicted on up to two million young women every year, particularly in Africa and the Middle East. He urged all Governments to reaffirm their commitment to implementing the aims of the Beijing Declaration.

68. Mr. MARWAH (International Institute for Non-Aligned Studies) said that, while United Nations bodies had taken many measures in favour of women, much remained to be done to ensure their empowerment. Women often had no access to resources and services that could enable them to accomplish their goals, alleviate their problems and realize their full potential as human beings. The potential of one half of the human race was being wasted.

69. While the right to education was crucial to the exercise of several civil and political rights, such as the right to freedom of expression, association and political participation, in many countries there were still many obstacles to the education of girls. Girls were systematically deprived of the right, contained in the Beijing Platform for Action, to the highest attainable standard of health. Malnutrition, early marriages and pregnancies, stigmatization for infertility, and maternal mortality were among the many evils faced by millions of women throughout the world.

70. In order to protect and promote women's rights, it was necessary to build a civil society that empowered women. Women must, at the very least, be given access to education and adequate health services, particularly primary health services, and the right to property and inheritance. Moreover, they should be encouraged to hold decision-making posts at the local, national and international levels. In that regard, the example set by India, where 33 per cent of the elected seats in local self-governing bodies had been reserved for women, was encouraging.

71. Ms. BAIGES ARTIS (International Federation of Women in Legal Careers), speaking on behalf of the International Federation of Women in Legal Careers, the International Federation of Women Lawyers and the International Association of Women Judges, said that violence against women was universal and took many forms. As an instrument of pressure and power, violence could and should be eliminated by a resolute social policy that made possible a gradual change in ways of thinking. In the meantime, it was necessary to ensure a strong, effective and rapid legal response. In that regard, the Convention on the Elimination of All Forms of Discrimination against Women had made significant progress in the history of women's rights. However, although the Convention was, after the Convention on the Rights of the Child, the international instrument that had been ratified by the largest number of countries, it was also the instrument with the largest number of reservations.

72. The International Federation of Women in Legal Careers supported the joint work plan of the Office of the Special Adviser on Gender Issues and Advancement of Women, the Division for the Advancement of Women and the Office of the United Nations High Commissioner for Human Rights (E/CN.4/2001/70, E/CN.6/2001/3).

73. Mr. KAUL (Himalayan Research and Cultural Foundation) said that the problem of violence against women in parts of South and Central Asia was aggravated by the diktats of religious extremists. In her 1998 report (E/CN.4/1998/54), the Special Rapporteur on violence against women referred to the situation of women in Afghanistan, who had been denied their basic human rights, and to the forced marriages of women in the Indian state of Jammu and Kashmir. In recent years, the acts of violence committed against women by Islamic extremists in that state had increased in number and cruelty. Terrorists belonging to Lakshar-i-Toiba had used rape and physical violence, including murder, as means of demoralizing and subjugating the population. Those acts, which had devastating physical and psychological consequences for the women victims, had been one of the main reasons for the exodus of the minority community of Kashmiri Pandits. There was an urgent need for States to take stringent punitive measures against non-State actors responsible for violence against women, and the international community should adopt a consensual approach with a view to developing effective deterrents to such violence.

74. Ms. GILLANI (World Muslim Congress) regretted that, although the world had entered the twenty-first century with lofty ideals and noble words, women almost everywhere were still the object of age-old misogynous bias. Violence against women, which went from domestic violence to the systematic use of rape in conflict zones, did not recognize boundaries. No region was free from such violence, and South Asia was no exception. Indian-occupied Kashmir in South Asia was a special case in that violence against women stemmed essentially from a deliberate policy on the part of the Indian authorities, which was trying to break the back of the struggle for freedom movement that had been waged by Kashmiris for the past five decades, by resorting to rape, which meant harassing and dishonouring their wives, sisters and daughters, with all the resulting psychological consequences for those women.

75. Those reports had been confirmed by such prestigious organizations as Amnesty International and Human Rights Watch, and by the Special Rapporteur on violence against women in her latest report (E/CN.4/2001/73), in spite of the fact that they had not been allowed to visit the region and that there had been a complete media blackout. The World Muslim Congress requested the Commission to appoint a special rapporteur on violence against women in occupied Kashmir and to send a fact-finding mission to that region.

76. Ms. McCONNEL (Women against Rape) said that the worst human rights violations committed in areas of armed conflict were directed against women and children. In Sri Lanka, Tamil women were systematically raped by members of the security forces, which used rape as means of warfare with impunity. The situation of Tamil women had been mentioned at the fifty-second session of the Subcommission on Promotion and Protection of Human Rights by a member of the Subcommission in connection with the agenda item on slavery-like practices during armed conflict.

77. The rapes and murders that had been committed individually and collectively by the Sri Lankan security forces, under cover of 27 years of emergency rule and 22 years of the Prevention of Terrorism Act, were innumerable and always went unpunished. Very recently, two young women had been raped and savagely tortured by the police. Those acts had been condemned by religious leaders, parliamentarians, human rights activists and legal associations in Sri Lanka, and several international non-governmental organizations had appealed to the President of Sri Lanka to investigate those atrocities. A prominent Netherlander had even requested the Prosecutor-General in Amsterdam to authorize the arrest of the President of Sri Lanka, Ms. Chandrika Kumaratunga, on the basis of her responsibility, as commander-in-chief of the armed forces, for acts of torture and crimes against humanity. Women against Rape urged the Commission to appoint a rapporteur to investigate the situation in Sri Lanka.

78. Ms. KABIR (World Federation of Trade Unions) said that Afghan women had established the Revolutionary Association of the Women of Afghanistan to protect their rights and to demonstrate that, in spite of the Taliban's brutal repression of Afghan women, they had not lost hope and retained their love of life, justice and freedom. They were counting on the support of the international community, in particular the support of the Commission on Human Rights and the Office of the United Nations High Commissioner for Human Rights.

79. Since the Taliban had come to power, women were not allowed to engage in any productive social or economic activity and were forced to cover themselves from head to foot or risk being beaten in public. Thousands of women had been raped and killed, or forced into marriage with Taliban fighters or their sympathizers. Deprived of education, health care, work, income and access to the outside world, Afghan women had been reduced to living in medieval conditions. The least resistance was violently suppressed. The voice of Afghan women was the voice of a nation subjected to the most brutal physical and spiritual aggression. That voice, which today might seem

faint, would resound loudly if the Revolutionary Association of the Women of Afghanistan was given the means to take action.

The meeting rose at 1.05 p.m.